



MINUTES: 3693rd MEETING OF THE NORTH SYDNEY COUNCIL HELD ON MONDAY, 24 JULY 2017 AT 7.00 PM.

PRESENT

The Mayor, Jilly Gibson, in the Chair, and Councillors Baker, Barbour, Beregi, Bevan, Carr, Clare, Marchandean, Morris and Reymond.

At the commencement of business (7.00 pm) those present were:
The Mayor, and Councillors Baker, Barbour, Beregi, Bevan, Carr, Clare, Marchandean and Reymond.

The meeting was opened by the Mayor.

The Acknowledgement of Country was read by Councillor Baker.

243. Matters Brought Forward at the Request of Members of the Public Gallery

It was moved, seconded and carried -

THAT the following items be brought forward and dealt with at this stage:

Re Item MM03	Pedestrian Refuge for Burlington Street, Crow's Nest
Re Item MM04	Street Libraries
Re Item MM06	Western Harbour Tunnel & Beaches Link - Public Meeting
Re Item MM09	Additional Netball Courts at the Ward Street Carpark, North Sydney
Re Item MM10	Community Garden in Anzac Park
Re Item CiS02	Heritage Assessment of 24 Cranbrook Avenue, Cremorne and Associated Planning Proposal
Re Item CiS03	Planning Proposal - 617-621 Pacific Highway, St Leonards
Re Item CiS04	575-583 Pacific Highway, St Leonards - Voluntary Planning Agreement
Re Item CiS17	North Sydney's Transport Future (Campaign) - Engagement Outcomes
Re Item EPS02	Traffic Committee - Minutes 16 June 2017
Re Item OSE01	Council Response to Transport for NSW Regarding Street Tree Removal for B-Line
Re Item P01	Petition - Former HMAS Platypus Site

244. Minutes

The Minutes of the previous Council Meeting held on Monday, 26 June 2017, copies of which had been previously circulated, were taken as read and confirmed.

The Motion was moved by Councillor Reymond and seconded by Councillor Barbour.

245. Leave of Absence

Nil.

246. Declarations of Interest

Re Item CiS01	Proposed Child Care Centre and Residence - 12A Shirley Road, Wollstonecraft DA 112/2017
Councillor Marchandean and Councillor Reymond	Member of the Sydney North Planning Panel (Significant/Non-pecuniary)
Re Item CiS03	Planning Proposal – 617-621 Pacific Highway, St Leonards
Councillor Marchandean and Councillor Reymond	Member of the Sydney North Planning Panel (Significant/Non-pecuniary)
Re Item CiS04	575-583 Pacific Highway, St Leonards - Voluntary Planning Agreement
Councillor Marchandean and Councillor Reymond	Member of the Sydney North Planning Panel (Significant/Non-pecuniary)
Re Item P01	Former HMAS Platypus Site
Councillor Gibson	Member of Sydney Harbour Federation Trust Community Advisory Committee (Non-Significant/Non-pecuniary)

MATTERS BROUGHT FORWARD**247. MM03: Pedestrian Refuge for Burlington Street, Crows Nest**

Over the past few weeks, I have been approached by numerous residents in Crows Nest about the lack of a formal pedestrian crossing outside the new Woolworths store on Burlington Street.

While there are kerb ramps on either side of the road to allow for pram and wheelchair access, there is no pedestrian refuge or official crossing.

Many residents I spoke with have seen near misses on this section of road because of the kerb ramps being situated in such close proximity to the roundabout.

The new Woolworths and car park have become incredibly popular since opening last year, creating a large increase in both car and foot traffic in the area.

Because the only zebra pedestrian crossing is situated at the far end of the street and these kerb ramps are situated right outside the entry and exit to Woolworths, this is seen by many people as a natural crossing point.

The lack of a pedestrian refuge or official crossing, as well as its closeness to the roundabout, make it incredibly unsafe to cross at this location.

I understand it was intended that a zebra crossing be installed at this spot, but so far no date has been set for this.

I therefore recommend:

1. THAT this matter is referred to the Traffic Department as a matter of urgency to look at options to improve safety at this location.

2. THAT if a crossing cannot be installed in the short-term, the department look at moving the pedestrian curb ramps to a safer location in the street.

Mr Davie Macdonald addressed Council.

By consent, the Motion was amended to read,

1. THAT this matter is referred to the Director Engineering and Property Services as a matter of urgency to look at options to improve pedestrian safety at this location.

The Motion was put and carried.

Voting was as follows:

For/Against 9/0

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

RESOLVED:

1. THAT this matter is referred to the Director Engineering and Property Services as a matter of urgency to look at options to improve pedestrian safety at this location.

248. MM04: Street Libraries

Street libraries are popping up all over Sydney - in gardens, outside people's homes, at schools and even at bus stops.

These community-led initiatives encourage members of the public to donate unwanted books or to borrow books they would like to read.

Many people leave little notes and messages in the books to be found by other readers – helping to create a sense of community.

In some instances, street libraries have gradually progressed into community hubs where people can meet and form new friendships.

Street libraries also prevent unwanted books from ending up in landfill and encourage reading by making books accessible to those who may not be able to easily reach their local library.

I would like to see North Sydney Council proactively supporting street libraries in our LGA and these types of grassroots initiatives which promote community spirit.

I therefore recommend:

1. THAT Council staff prepare a report for the next Council Meeting on how to best facilitate community street libraries and look at potential sites around North Sydney and any resources required to monitor them.

Mr Davie Macdonald addressed Council.

The Motion was put and carried.

Voting was as follows:

For/Against 8/1

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

RESOLVED:

1. THAT Council staff prepare a report for the next Council Meeting on how to best facilitate community street libraries and look at potential sites around North Sydney and any resources required to monitor them.

249.

MM06: Western Harbour Tunnel & Beaches Link - Public Meeting

As Councillors will be aware, last week I used my Delegated Authority to call a public meeting about the proposed ventilation stacks for the Western Harbour Tunnel and Beaches Link. The meeting will be held in the Hutley Hall at 6.00pm on Wednesday 26 July 2017.

There is widespread community concern about the size and location of the ventilation stacks. Community members who contacted me have expressed concern that the community consultation undertaken by Roads & Maritime Services withheld important information.

They are also concerned that, by the time the next promised round of consultation takes place, critical decisions will have been made and contracts signed. I have asked the Acting General Manager to organise a facilitator for the meeting so that everyone's views can be heard.

I have written to the Premier, the State Member for North Shore and the Federal Member for North Sydney inviting them to the meeting to speak or just to listen to what their community has to say.

The aim is not to debate the tunnel - Council's views on this have already been sent to the NSW Government. Rather, it is to identify community expectations and parameters

for ventilation stacks if the tunnel project is to go ahead. While we may not be experts on international ventilation standards or the health impacts of ventilation stacks, as a community we can make clear statements about expectations around protecting our health, our children and our open space.

The purpose of the public meeting is to provide the community with a chance to share their concerns about the proposed ventilation stacks and form a position that can be sent to the Premier. This meeting differs from the joint Precincts meeting held last week as it is open to the whole North Sydney community, whereas the joint Precincts meeting was an RMS consultation with the Bay, Hayberry, Plateau and Registry Precincts.

The outcomes of Council's campaign/consultation (as resolved on 22 May 2017) will be considered by the Council at its meeting tonight (report CiS17). This consultation concluded on 9 July 2017, prior to the media reports about the proposed stack locations.

In response to last week's media reports, the RMS has said that:

"The project is still in the concept design stage and no decisions have been made about topics such as ventilation sites. Feel free to reiterate this message in your conversations. The project team remains on track to provide a reference design in mid-2018 that will contain a detailed project alignment, including ventilation stacks" (referenced from CiS17, 24 July 2017).

Many community members continue to express distress and dissatisfaction with this response and concern that irreversible decisions will be made before RMS consults the community.

It is expected that there will be people for and against the proposed project attending the meeting and both points of view need the opportunity to be heard. Two facilitators have arranged to jointly facilitate - Professor Roberta Ryan from UTS and Margaret Harvie from PlanCom. Their role will be to manage speakers on the night and facilitate the formulation of motions at the end of the meeting which will be put to a vote. A revised agenda is noted below. Speakers have been added to the agenda who have been recommended by members of the community.

As tonight is the last Council meeting of the current term, the outcomes of the public meeting cannot be formally reported back to this Council, however I will write to the Premier advising her of any resolutions from the meeting.

The meeting has been promoted as widely as possible in the timeframe available including on Council's website, social media accounts and through eNews subscriptions. Staff have also directly emailed Precincts, Schools and Parent Groups and any customers who have written to Council in the last week in response to the media reports.

The meeting protocols below will also be displayed to help manage attendee expectations on the night:

Revised Agenda

- 6.00 Mayor Jilly Gibson – welcome and introduction
Roberta Ryan to introduce and frame the purpose of the meeting – ground rule that both those seeing the benefits of the project and those against will be given the opportunity to be heard.
- 6.10 **Council officer** to give brief overview of the project

- 6.20 **Three community speakers** (5 min each)
- Russell Rigby, Anzac Park Public School P&C Association President;
 - Estelle Fraser, Year 4 student, Anzac Park Public School; and
 - Dr Ray Nassar, local resident/doctor who recently relocated to the North Sydney LGA due to impacts of another motorway project; has done research into motorways health impacts.
- 6.40 **Open it up to Issues and Questions** (facilitated)
- Facilitators will move through the meeting from back to front to take comments in order.
 - Comments and Issues will be recorded on flip chart paper and staff will at the same time type these to be projected on the screen.
 - Questions will be recorded also and taken on notice.
- 7.40 **Motion to be put to the meeting and this motion to be relayed by the Mayor to the Premier via a letter** (facilitated)
- Discussion of the motions
 - Agreement on the motions
 - Voting on the motions
- 7.55 **Thank you for attendance and confirmation of next steps**

I therefore recommend:

- 1. THAT** the information regarding the public meeting be received.

Mr Davie Macdonald addressed Council.

Standing Orders were suspended (moved Councillor Baker, seconded by Councillor Barbour) to allow distribution of material by Mr Macdonald.

Standing Orders were then resumed.

Mr Thomas Shanahan addressed Council.

The Motion was moved by the Mayor.

An Amendment was moved by Councillor Baker, seconded by Councillor Beregi,

- 1. THAT** Council proceed with the public meeting to be held at 6pm on Wednesday 26 July 2017.
- 2. THAT** Council adopt the following agenda for the public meeting, to be conducted by an independent facilitator:
- a. Welcome (housekeeping)/Acknowledgement of Country;
 - b. Presentation by Council planning staff setting out all that is currently in the public realm in relation to the Western Harbour Tunnel and Northern Beaches Link including the information reported by the Sydney Morning Herald and ABC derived from the leaked Cabinet in confidence documents published on 17 July 2017 and following, and outline Council's policy position in relation to sustainable transport planning and the major State transport infrastructure projects within the North Sydney local government area;
 - c. Short speeches from invited State Government elected representatives and

- Mr Rigby, Dr Nassar, Dr Michelle Zeibots and Mr Thomas Shanahan;
- d. Q&A facilitated by independent facilitator; and
 - e. Meeting close at 8pm.
- 3. THAT** urgent invitations to attend and speak at the meeting be issued to Premier, the Hon Gladys Berejiklian, Minister for Roads, Minister for Transport, State Local Member for North Shore, Opposition Leader, the Hon Luke Foley, MP Shadow Transport Minister, the Hon Jodie McKay MP, Greens Transport Spokesperson, the Hon Dr Mehreen Faruqi, MLC, and the Hon David Shoebridge, MLC.
- 4. THAT** no Council elected representatives speak on Council's behalf in deference to the caretaker period prior to the September local government elections and to prevent the perception of using Council resources for election purposes.
- 5. THAT** Council urgently arrange a letter box drop in relation to the public meeting of all residents within the sensitivity range of the proposed ventilation stacks in Anzac Park, St Leonards Park and Ernest Street including Morden Street, Ernest Street, Falcon Street, Miller Street and Amherst Street and any other location determined by the Acting General Manager to ensure wide notification and attendance at the meeting.
- 6. THAT** the letter box notice state:
- URGENT PUBLIC MEETING
Impacts of Proposed Western Harbour Tunnel and Northern Beaches Link on residents, schools, roads, parks, bushland and the harbour foreshore
6pm
Tomorrow, Wednesday 26 July 2017
Hutley Hall, North Sydney Council, 200 Miller Street, North Sydney.
- The meeting will include a presentation by Council's Transport Planners on the proposal and Council's response and provide an opportunity for questions and comments to be included in Council's submission to the State Government. Council has invited the Premier, Ministers for Roads and Transport and the Leader of the Opposition and Shadow spokespeople to attend and speak."
- 7. THAT** Council urgently email all local schools and ask them to advise their parent body of the public meeting.
- 8. THAT** Council urgently publicise the meeting via urgent emails to all Precinct Committees, social media and press releases.
- 9. THAT** Council's presentation and any additional information received following the public meeting continue to be published on Council's website.

The Amendment was put and carried.

Voting was as follows:

For/Against 6/3

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

The Amendment became the Motion and was put and carried.

Voting was as follows:

For/Against 8/1

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

RESOLVED:

- 1. THAT** Council proceed with the public meeting to be held at 6pm on Wednesday 26 July 2017.
- 2. THAT** Council adopt the following agenda for the public meeting, to be conducted by an independent facilitator:
 - a. Welcome (housekeeping)/Acknowledgement of Country;
 - b. Presentation by Council planning staff setting out all that is currently in the public realm in relation to the Western Harbour Tunnel and Northern Beaches Link including the information reported by the Sydney Morning Herald and ABC derived from the leaked Cabinet in confidence documents published on 17 July 2017 and following, and outline Council's policy position in relation to sustainable transport planning and the major State transport infrastructure projects within the North Sydney local government area;
 - c. Short speeches from invited State Government elected representatives and Mr Rigby, Dr Nassar, Dr Michelle Zeibots and Mr Thomas Shanahan;
 - d. Q&A facilitated by independent facilitator; and
 - e. Meeting close at 8pm.
- 3. THAT** urgent invitations to attend and speak at the meeting be issued to Premier, the Hon Gladys Berejiklian, Minister for Roads, Minister for Transport, State Local Member for North Shore, Opposition Leader, the Hon Luke Foley, MP Shadow Transport Minister, the Hon Jodie McKay MP, Greens Transport Spokesperson, the Hon Dr Mehreen Faruqi, MLC, and the Hon David Shoebridge, MLC.
- 4. THAT** no Council elected representatives speak on Council's behalf in deference to the caretaker period prior to the September local government elections and to prevent the perception of using Council resources for election purposes.
- 5. THAT** Council urgently arrange a letter box drop in relation to the public meeting of all residents within the sensitivity range of the proposed ventilation stacks in Anzac Park, St Leonards Park and Ernest Street including Morden Street, Ernest Street, Falcon Street, Miller Street and Amherst Street and any other location determined by the Acting General Manager to ensure wide notification and attendance at the meeting.
- 6. THAT** the letter box notice state:

URGENT PUBLIC MEETING
Impacts of Proposed Western Harbour Tunnel and Northern Beaches Link on residents, schools, roads, parks, bushland and the harbour foreshore
6pm
Tomorrow, Wednesday 26 July 2017
Hutley Hall, North Sydney Council, 200 Miller Street, North Sydney.

The meeting will include a presentation by Council's Transport Planners on the proposal and Council's response and provide an opportunity for questions and comments to be included in Council's submission to the State Government. Council has invited the Premier, Ministers for Roads and Transport and the Leader of the Opposition and Shadow spokespeople to attend and speak."
- 7. THAT** Council urgently email all local schools and ask them to advise their parent body of the public meeting.
- 8. THAT** Council urgently publicise the meeting via urgent emails to all Precinct Committees, social media and press releases.
- 9. THAT** Council's presentation and any additional information received following the public meeting continue to be published on Council's website.

(A Rescission Motion was lodged by Councillors Gibson, Barbour, Bevan and Marchandean in respect of Item MM06)

250. MM09: Additional Netball Courts at the Ward Street Carpark North Sydney

Council's 2015 Recreational Needs Study identified an increasing demand for more public netball courts in North Sydney. There are currently over 5,000 active members of the Northern Suburbs Netball Association, yet there are just two public netball courts within the whole of the North Sydney LGA. These are located at St Leonards Park.

At present, North Sydney residents often have to travel outside of the LGA to participate in netball competitions.

Council encourages all North Sydney residents to keep fit and active; the provision of these extra netball court facilities would assist in this endeavour. I have identified an opportunity to quickly create more courts in the North Sydney LGA at minimal cost by transforming the top of Wilson Car Park in Ward Street into temporary netball courts on the weekend.

The car park contractor, Wilson Parking, is supportive of exploring this idea. This company has previously facilitated community-focused initiatives, such as the Urban Art - Parked! project.

While this CBD car park is busy Monday to Friday, its open rooftop parking is empty on the weekends. If the top level of this car park was to be closed to traffic on Saturdays and Sundays, three standard sized netball courts could fit into this space.

In collaboration with the car park contractor, this idea could be achieved reasonably quickly and without significant expenditure. Netball courtlines could be painted on the car park surface and temporary perimeter netting installed to prevent balls from going over the side. Moveable netball hoops could then be put in place for games.

A basic preliminary survey of the site has found that the surface is adequate for playing netball. The car park is also centrally located and easily accessible by car, bus and train, with plenty of parking available on site.

Weekend netball in the CBD would also contribute towards Council's commitment to revitalise the area.

While a DA would need to be submitted for these plans, this proposal would have no adverse impacts on residents, cause zero loss of green space, and is a cost effective and time-efficient way of providing temporary netball court space until a permanent solution is found.

The Northern Suburbs Netball Association is excited by this proposal as it offers a real opportunity to create additional netball courts in North Sydney within a relatively short timeframe.

I therefore recommend:

- 1. THAT** Council staff undertake formal investigations into all potential use of the rooftop of Wilson Car Park, Ward Street, as temporary netball courts and report back at the next Council Meeting.
- 2. THAT** formal negotiations continue with the operator of the car park, Wilson Parking, to facilitate this proposal.
- 3. THAT** the Northern Suburbs Netball Association, which had 5,700 members at last count, continue to be consulted on this proposal.

4. THAT this resolution be referred to members of the Sport and Recreation Reference Group.

Ms Ineke Walker, Vice President of the Northern Suburbs Netball Association, addressed Council.

By consent the Motion was amended to read,

1. THAT Council staff undertake formal investigations into all potential use of the rooftop of Wilson Car Park, Ward Street, as temporary netball courts and report back at the next Council Meeting. That the report include consideration of the construction schedule for the Metro and the ShoppingWorld site in Berry Street and Council's plans for the car park under the Ward Street Masterplan.

2. THAT the Northern Suburbs Netball Association, which had 5,700 members at last count, continue to be consulted on this proposal.

3. THAT this resolution be referred to members of the Sport and Recreation Reference Group.

4. THAT Council refer the capacity issue in relation to netball to NSROC for consideration as part of the Regional Sporting Facilities Project.

The Motion was put and carried.

Voting was as follows:

For/Against 7/2

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

RESOLVED:

1. THAT Council staff undertake formal investigations into all potential use of the rooftop of Wilson Car Park, Ward Street, as temporary netball courts and report back at the next Council Meeting. That the report include consideration of the construction schedule for the Metro and the ShoppingWorld site in Berry Street and Council's plans for the car park under the Ward Street Masterplan.

2. THAT the Northern Suburbs Netball Association, which had 5,700 members at last count, continue to be consulted on this proposal.

3. THAT this resolution be referred to members of the Sport and Recreation Reference Group.

4. THAT Council refer the capacity issue in relation to netball to NSROC for consideration as part of the Regional Sporting Facilities Project.

Councillor Morris arrived at the meeting at 8.04pm.

251. MM10: Community Garden in Anzac Park (Late Item)

The Mayor moved,

1. THAT Council refer this request to the A/General Manager to facilitate the establishment of a community garden in Anzac Park under Council's Community Gardens Policy.

Ms Sheridan Rogers addressed Council.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT Council refer this request to the A/General Manager to facilitate the establishment of a community garden in Anzac Park under Council's Community Gardens Policy.

252. CiS02: Heritage Assessment of 24 Cranbrook Avenue, Cremorne and Associated Planning Proposal

Report of Ben Boyd, Executive Strategic Planner

Under delegated authority, Council's General Manager imposed an Interim Heritage Order (IHO) under the NSW Heritage Act 1977 over 24 Cranbrook Avenue, Cremorne on 24 May 2017. The intention of the IHO was 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 (refer to Appendix 1 to Attachment 1).

The placement of the IHO over the property arose from community concern during the assessment of development application DA 75/17 which sought to demolish the dwellings at 24 Cranbrook Avenue and construct an 11-storey residential flat building above basement parking.

In response to the imposition of the IHO, Council engaged Lucas Stapleton Johnson to undertake a comprehensive independent heritage assessment of the subject property to determine if it satisfied the relevant State Heritage Inventory criteria for heritage listing and thereby warranted a listing as a heritage item under NSLEP 2013.

On 29 July 2017, Council received a completed Assessment of Cultural Significance (refer to Appendix 2 to Attachment 1) from Lucas Stapleton Johnson which concluded that 24 Cranbrook Avenue, Cremorne, satisfied the relevant State Heritage Inventory criteria for heritage listing and recommended that it be included as an item of local heritage significance in Schedule 5 of the NSLEP 2013.

In accordance with the recommendations of the heritage assessment, a Planning Proposal (refer to Attachment 1) has been prepared that seeks to amend NSLEP 2013 by including 24 Cranbrook Avenue, Cremorne as a heritage item within Schedule 5 – Environmental Heritage, and appropriately identified on the Heritage Map.

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning's 'A guide to preparing planning proposals' (October 2014); and
- is unlikely to result in any adverse impacts on the environment or wider community.

The Planning Proposal is considered to be satisfactory and should be forwarded to the Department of Planning and Environment for Gateway Determination.

In addition, due to the minor nature of the Planning Proposal, it is recommended that Council also request for delegation of plan making functions to finalise any amendment to NSLEP that would result from the implementation of the Planning Proposal.

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 resolves to adopt the attached Planning Proposal and forward it to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

2. THAT Council request the Minister for Planning grant Council delegation of plan making functions to implement the Planning Proposal.

3. THAT if North Sydney Local Environmental Plan 2013 is amended as a result of carrying out Recommendation No.1, that a North Sydney Heritage Inventory sheet be created reflecting the outcomes of the heritage assessment prepared by Lucas Stapleton Johnson.

Mr Peter Kofler addressed Council.

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

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT Council resolves to adopt the attached Planning Proposal and forward it to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

2. THAT Council request the Minister for Planning grant Council delegation of plan making functions to implement the Planning Proposal.

3. THAT if North Sydney Local Environmental Plan 2013 is amended as a result of carrying out Recommendation No.1, that a North Sydney Heritage Inventory sheet be created reflecting the outcomes of the heritage assessment prepared by Lucas Stapleton Johnson.

Councillor Marchandean and Councillor Reymond declared an interest in CiS03 and CiS04 and left the meeting at 8.36pm.

253. CiS03: Planning Proposal - 617-621 Pacific Highway, St Leonards

Report of Ben Boyd, Executive Strategic Planner

On 23 March 2017, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 617-621 Pacific Highway, St Leonards. In particular, the Planning Proposal seeks to:

- increase the maximum building height from 49m to 180m;

- impose a maximum floor space ratio (FSR) of 25.4:1;
- impose a minimum non-residential FSR of 4.7:1; and
- incorporate an additional clause within Schedule 1 – *Additional Permitted Uses* such that “shop top housing” is permissible with consent on the subject site.

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning and Environment’s *A guide to preparing planning proposals* (August 2016);
- on balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies;
- is generally consistent with and promotes the desired future outcomes of the *St Leonards / Crows Nest Planning Study for Precincts 2 & 3*; and
- the scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or has the ability to be appropriately mitigated as part of the development application process.

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the DPE for Gateway Determination.

The Planning Proposal was also accompanied by a draft Voluntary Planning Agreement (VPA), with an offer to dedicate to Council two entire floor levels within the podium of a future development on the site for the purposes of an Arts Centre. The offer also included the fitout of the space to a high level. The total value of the proposed offer is in the order of \$16.5 million.

The value of the draft VPA has been independently reviewed by an economic consultant, who has advised that the value of the proposed offer is considered fair and reasonable. The draft VPA has also been reviewed by Council’s lawyers and a number of issues have been identified that require resolution. These issues include certainty of outcome, security of payment and enforcement of the agreement. These issues are of a technical nature only and can be resolved prior to placing the Planning Proposal on public exhibition, should Council resolve that the Planning Proposal proceed to Gateway Determination.

Whilst the intent of the draft VPA is considered to be fair and reasonable, it is recommended that if Council resolves to allow the planning proposal to proceed to Gateway Determination, the Planning Proposal should only be forwarded to the Department of Planning and Environment, once the General Manager is satisfied that the issues with the draft VPA, as identified by Council’s lawyers, have been appropriately resolved.

The Planning Proposal and draft VPA should then be exhibited concurrently, so as to allow the community a full appreciation of what is being proposed. Council will have the opportunity to execute the draft VPA when the post-exhibition report is reported 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** upon satisfactory negotiation of issues with the draft VPA as identified by Council’s lawyers, the General Manager be given the authority to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway

Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

2. THAT the associated draft Voluntary Planning Agreement, as endorsed by the General Manager as outlined in Recommendation No.1, be exhibited concurrently with the subject Planning Proposal conditioned on it receiving a Gateway Determination.

Councillor Bevan left the meeting at 8.37pm.

Mr Stephen White addressed Council.

The Motion was moved by Councillor Baker and seconded by Councillor Clare.

The Motion was put and carried.

Voting was as follows:

For/Against 7/0

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

RESOLVED:

1. THAT upon satisfactory negotiation of issues with the draft VPA as identified by Council's lawyers, the General Manager be given the authority to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

2. THAT the associated draft Voluntary Planning Agreement, as endorsed by the General Manager as outlined in Recommendation No.1, be exhibited concurrently with the subject Planning Proposal conditioned on it receiving a Gateway Determination.

254. CiS04: 575-583 Pacific Highway, St Leonards – Voluntary Planning Agreement

Report of Marcelo Occhiuzzi, Manager Strategic Planning

At its meeting of 7 December 2015, Council resolved to support a Planning Proposal for a mixed use development at 575-583 Pacific Highway, St Leonards subject to the satisfactory refinement of the Voluntary Planning Agreement (VPA) that was lodged with the proposal. The draft VPA included a monetary contribution of \$5,002,800.

Negotiations continued into 2016 and the proponent lodged a Pre-Gateway Review application with the Department of Planning and Environment in August 2016. The Planning Proposal was considered by the Sydney North Planning Panel (SNPP) on 8 February 2017 which resulted in a reduction in the proposed FSR control and the issuing of a Gateway Determination on 25 May 2017.

The proponent has reduced the proposed monetary contribution associated with the VPA. The proposed contribution is now \$4,095,803. The proponent's justification for a reduced contribution is based on the reduced FSR resulting from the SNPP decision and the costs associated with Council's requirement that appropriate security be provided for the monetary contribution. The proponent's justification is sound and the revised contribution is considered fair and reasonable.

Negotiations regarding relatively minor administrative and legal matters are continuing but are nearing completion.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement that proposes a monetary contribution to assist Council in meeting the open space objectives for the area, as articulated by the St Leonards/Crows Nest Planning Study - Precinct 1. **Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period**

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

Recommending:

1. THAT upon satisfactory negotiation of issues with the draft VPA as identified by Council's lawyers, the draft Voluntary Planning Agreement (including the revised contribution amount) between North Sydney Council and the applicant, Rozene Pty Ltd and Rosemate Pty Ltd, be exhibited concurrently with the subject Planning Proposal.

Ms Patricia Quirk-Parry addressed Council.

Councillor Bevan returned to the meeting at 8.41pm.

The Motion was moved by Councillor Baker and seconded by Councillor Clare.

The Motion was put and carried.

Voting was as follows:

For/Against 8/0

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

RESOLVED:

1. THAT upon satisfactory negotiation of issues with the draft VPA as identified by Council's lawyers, the draft Voluntary Planning Agreement (including the revised contribution amount) between North Sydney Council and the applicant, Rozene Pty Ltd and Rosemate Pty Ltd, be exhibited concurrently with the subject Planning Proposal.

Councillor Marchandean and Councillor Reymond returned to the meeting at 8.49pm.

255. CiS17: North Sydney's Transport Future (Campaign) - Engagement Outcomes

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects and James Marshall, Community and Business Engagement Coordinator

Council at its meeting of 22 May 2017 (Min. No. 142), resolved in part:

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.

5. THAT Council allocate funds to the campaign.

7. THAT the community engagement portion of the submission be completed and

reported to the July Council meeting.

This report provides an overview of the North Sydney's Transport Future community engagement/campaign recently undertaken in response to the above mentioned resolution. It details the engagement process, including the promotion and awareness activities undertaken, the feedback mechanisms used and the level of community participation of the community in the process as well as the collated outcomes.

The Engagement Outcomes Report (Attachment 1) has been prepared by Straight Talk, an engagement specialist employed to assist with elements of this engagement and to ensure the neutrality of the analysis of the findings and subsequent reporting. Straight Talk assisted with recruitment and facilitation of the focus groups and the focus group and survey question design as well as collation and analysis of all feedback received. It should be noted that due to the timing constraints allocated by this resolution that the engagement period was very short, it was 19 days' duration. That being said the engagement process was as much about raising awareness of the State Government's proposal, as it was about ascertaining community attitudes/feedback because it is acknowledged that at the time the consultation was conducted little in regards to specific details about the project were publicly available about the proposal by the State Government.

The Outcomes Report will be used to inform the preparation of Council's submission to the NSW Government regarding its proposed Western Harbour Tunnel and Beaches Link proposal.

The estimated cost of this engagement was \$67,715.26 (inclusive of GST), not including Council staff costs. Some costs were paid for from the 2016/17 budget, whilst the majority of costs occur in the current financial year.

This estimate costs associated with complying with resolution Item 4, 22 May 2017 that Council's submission to the State Government, include expert reports on traffic, planning, impacts of pollution and air quality, noise as well as traffic flows, is \$200,000.

The engagement costs outlined in this report will be funded from additional general revenue and reported in the September Quarterly Budget Review. Should Council wish to proceed with the expert reports the costs associated would reduce the funds available for capital works 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** the North Sydney's Transport Future - Engagement Outcomes report be received.
- 2. THAT** the estimated engagement cost of North Sydney's Transport Future be noted.
- 3. THAT** the estimated costs of obtaining expert reports to inform its submission be noted.
- 4. THAT** Council determine whether it wishes to prepare the submission to the RMS as outlined in Item 4, 22 May 2017 (Min.No.142).
- 5. THAT** should Council resolve to prepare a submission to the RMS, that its preparation be delegated to the A/General Manager, for the submission to be prepared in accordance with the Council's current policy position.

An Addendum regarding this matter was distributed to Councillors prior to the meeting.

Mr Thomas Shanahan addressed Council.

A Motion was moved by Councillor Baker, seconded by Councillor Morris,

1. **THAT** the North Sydney's Transport Future - Engagement Outcomes report be received.
2. **THAT** the estimated engagement cost of North Sydney's Transport Future be noted.
3. **THAT** the estimated costs of obtaining expert reports to inform its submission be noted.
4. **THAT** Council prepare the submission to the RMS as outlined in Item 4, 22 May 2017 (Min.No.142).
5. **THAT** the preparation of the submission be delegated to the A/General Manager, for the submission to be prepared in accordance with the Council's current policy position.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. **THAT** the North Sydney's Transport Future - Engagement Outcomes report be received.
2. **THAT** the estimated engagement cost of North Sydney's Transport Future be noted.
3. **THAT** the estimated costs of obtaining expert reports to inform its submission be noted.
4. **THAT** Council prepare the submission to the RMS as outlined in Item 4, 22 May 2017 (Min.No.142).
5. **THAT** the preparation of the submission be delegated to the A/General Manager, for the submission to be prepared in accordance with the Council's current policy position.

256. EPS02: Traffic Committee - Minutes 16 June 2017

Report of Michaela Kemp, Manager Traffic and Transport Operations

This report presents the recommendations of the last meeting of the Traffic Committee held on 16 June 2017 for Council adoption. The Minutes are attached for information.

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

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

Recommending:

1. **THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be introduced on both sides of Atchison Street from Oxley Street to Alexander Street, subject to consultation with adjacent properties. (4.2.1)
2. **THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be extended to both sides of Alexander Street (between Albany Street and Chandos Street), both sides of Chandos Street (between Willoughby Road and Alexander Street), subject to consultation with adjacent properties. (4.2.1)

3. **THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat be extended to both sides of Willoughby Road as shown on the attached plan, subject to consultation with adjacent properties. (4.2.1)
4. **THAT** Council apply to the RMS for the approval to install a pedestrian crossing on Yeo Street between Watson Street and Premier Street. (4.3)
5. **THAT** the existing refuge island on Ernest Street, west of Anzac Avenue be removed and a new refuge island *east* of Lytton Street be referred to the Traffic Committee under delegated authority to Council's Traffic Engineer. (4.4)
6. **THAT** Council provide cost estimates to the RMS for the pedestrian refuge on Ernest Street for potential RMS funding. (4.4)
7. **THAT** the already approved Raised Threshold on Anzac Avenue north of Ernest Street be replaced with a raised Pedestrian/Cycling Crossing under delegated authority to Council's Traffic Engineer and implemented at the expense of Council and the Department of Public Works and be moved to the eastern side, subject to pedestrian volume data being provided to the RMS and no objection being received from the RMS. (4.4)
8. **THAT** slip lane in Anzac Avenue at Ernest Street be closed off to accommodate a wider path and to improve access and reduce crossing distance, subject to detailed designs being provided to RMS and no objection being received from the RMS. (4.4)
9. **THAT** Council's Traffic Engineers engage in discussions with the RMS about setting an appropriate speed environment for Ernest Street given the proximity to Anzac Park Public School, speed data and crash history. (4.4)
10. **THAT** the speed limit on Ernest Street be added as a Standing Item on future Traffic Committee agendas. (4.4)
11. **THAT** Council raise no objection to the temporary closure in Cliff St, Milsons Point between 07:00am to 5:00pm for 10 days from Monday 10 to Friday 14 July and Monday 17 to Friday 21 July 2017, for the purposes of standing an excavator as per the submitted application and subject to Council's standard road closure conditions. Approval is subject to managed access to all affected properties and the applicant notifying all affected residents/tenants as per Council's standard conditions of approval.
12. **THAT** priority be given to traffic entering Cliff Street from Alfred Street South and Lavender Street. (7.1)
13. **THAT** should Council receive an application for an alternative date to carry out these works due to inclement weather or operational delays, that application be approved, subject to Police Permit approval. (7.1)
14. **THAT** the information regarding Delegated Authority items be received. (4.1)
15. **THAT** Council support car share schemes and a strategic analysis be prepared into the selection of locations, awarding and allocation of car share parking spaces for the North Sydney area. (4.5)
16. **THAT** Council hold off on decision making on new car share parking spaces until the strategic analysis is undertaken. (4.5)
17. **THAT** Council consider whether external resources are required to undertake the strategic car share parking review within a reasonable timeframe. (4.5)
18. **THAT** the information concerning the Abandoned Vehicles Processed Report be received. (5.1)
19. **THAT** the information concerning the Unattended Boat Trailers Processed Report be received. (5.2)
20. **THAT** the information concerning Sydney Metro City and South-West Construction Update be received. (5.3)

Ms Ineke Walker addressed Council.

Ms Jessica Keen addressed Council.

Councillor Baker left the meeting at 9.04pm.

A Motion was moved by Councillor Reymond and seconded by Councillor Beregi,

- 1. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be introduced on both sides of Atchison Street from Oxley Street to Alexander Street, subject to consultation with adjacent properties. (4.2.1)
- 2. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be extended to both sides of Alexander Street (between Albany Street and Chandos Street), both sides of Chandos Street (between Willoughby Road and Alexander Street), subject to consultation with adjacent properties. (4.2.1)
- 3. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat be extended to both sides of Willoughby Road as shown on the attached plan, subject to consultation with adjacent properties. (4.2.1)
- 4. THAT** the existing refuge island on Ernest Street, west of Anzac Avenue be removed and a new refuge island *east* of Lytton Street be referred to the Traffic Committee under delegated authority to Council's Traffic Engineer. (4.4)
- 5. THAT** Council provide cost estimates to the RMS for the pedestrian refuge on Ernest Street for potential RMS funding. (4.4)
- 6. THAT** the already approved Raised Threshold on Anzac Avenue north of Ernest Street be replaced with a raised Pedestrian/Cycling Crossing under delegated authority to Council's Traffic Engineer and implemented at the expense of Council and the Department of Public Works and be moved to the eastern side, subject to pedestrian volume data being provided to the RMS and no objection being received from the RMS. (4.4)
- 7. THAT** slip lane in Anzac Avenue at Ernest Street be closed off to accommodate a wider path and to improve access and reduce crossing distance, subject to detailed designs being provided to RMS and no objection being received from the RMS. (4.4)
- 8. THAT** Council's Traffic Engineers engage in discussions with the RMS about setting an appropriate speed environment for Ernest Street given the proximity to Anzac Park Public School, speed data and crash history. (4.4)
- 9. THAT** the speed limit on Ernest Street be added as a Standing Item on future Traffic Committee agendas. (4.4)
- 10. THAT** Council raise no objection to the temporary closure in Cliff St, Milsons Point between 07:00am to 5:00pm for 10 days from Monday 10 to Friday 14 July and Monday 17 to Friday 21 July 2017, for the purposes of standing an excavator as per the submitted application and subject to Council's standard road closure conditions. Approval is subject to managed access to all affected properties and the applicant notifying all affected residents/tenants as per Council's standard conditions of approval.
- 11. THAT** priority be given to traffic entering Cliff Street from Alfred Street South and Lavender Street. (7.1)
- 12. THAT** should Council receive an application for an alternative date to carry out these works due to inclement weather or operational delays, that application be approved, subject to Police Permit approval. (7.1)
- 13. THAT** the information regarding Delegated Authority items be received. (4.1)
- 14. THAT** the information on Car Share membership and usage be received. (4.3)
- 15. THAT** the recommendations relating to the installation of new car share spaces be adopted. (4.3)
- 16. THAT** the information concerning the Abandoned Vehicles Processed Report be received. (5.1)
- 17. THAT** the information concerning the Unattended Boat Trailers Processed Report be received. (5.2)

18. THAT the information concerning Sydney Metro City and South-West Construction Update be received. (5.3)

An Amendment was moved by Councillor Gibson and seconded by Councillor Bevan,

THAT the recommendations of the Traffic Committee be adopted.

The Amendment was put and lost.

Voting was as follows:

For/Against 3/6

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

The Motion was put and carried.

Voting was as follows:

For/Against 6/3

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

RESOLVED:

1. THAT 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be introduced on both sides of Atchison Street from Oxley Street to Alexander Street, subject to consultation with adjacent properties. (4.2.1)

2. THAT 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be extended to both sides of Alexander Street (between Albany Street and Chandos Street), both sides of Chandos Street (between Willoughby Road and Alexander Street), subject to consultation with adjacent properties. (4.2.1)

3. THAT 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat be extended to both sides of Willoughby Road as shown on the attached plan, subject to consultation with adjacent properties. (4.2.1)

4. THAT the existing refuge island on Ernest Street, west of Anzac Avenue be removed and a new refuge island *east* of Lytton Street be referred to the Traffic Committee under delegated authority to Council's Traffic Engineer. (4.4)

5. THAT Council provide cost estimates to the RMS for the pedestrian refuge on Ernest Street for potential RMS funding. (4.4)

6. THAT the already approved Raised Threshold on Anzac Avenue north of Ernest Street be replaced with a raised Pedestrian/Cycling Crossing under delegated authority to Council's Traffic Engineer and implemented at the expense of Council and the Department of Public Works and be moved to the eastern side, subject to pedestrian volume data being provided to the RMS and no objection being received from the RMS. (4.4)

7. THAT slip lane in Anzac Avenue at Ernest Street be closed off to accommodate a wider path and to improve access and reduce crossing distance, subject to detailed designs being provided to RMS and no objection being received from the RMS. (4.4)

8. THAT Council's Traffic Engineers engage in discussions with the RMS about setting an appropriate speed environment for Ernest Street given the proximity to Anzac Park Public School, speed data and crash history. (4.4)

9. THAT the speed limit on Ernest Street be added as a Standing Item on future Traffic Committee agendas. (4.4)

10. THAT Council raise no objection to the temporary closure in Cliff St, Milsons Point between 07:00am to 5:00pm for 10 days from Monday 10 to Friday 14 July and Monday 17 to Friday 21 July 2017, for the purposes of standing an excavator as per the submitted application and subject to Council's standard road closure conditions. Approval is subject to managed access to all affected properties and the applicant notifying all affected residents/tenants as per Council's standard conditions of approval.

11. THAT priority be given to traffic entering Cliff Street from Alfred Street South and Lavender Street. (7.1)

12. THAT should Council receive an application for an alternative date to carry out these works due to inclement weather or operational delays, that application be approved, subject to Police Permit approval. (7.1)

13. THAT the information regarding Delegated Authority items be received. (4.1)

14. THAT the information on Car Share membership and usage be received. (4.3)

15. THAT the recommendations relating to the installation of new car share spaces be adopted. (4.3)

16. THAT the information concerning the Abandoned Vehicles Processed Report be received. (5.1)

17. THAT the information concerning the Unattended Boat Trailers Processed Report be received. (5.2)

18. THAT the information concerning Sydney Metro City and South-West Construction Update be received. (5.3)

(This matter was recommitted later in the meeting – See Minute No. 303)

257. OSE01: Council Response to Transport for NSW Regarding Street Tree Removal for B-Line

Report of Melissa McManus, Landscape Technical Officer

This report has been prepared to advise Council of the submission sent to Transport for NSW in relation to their Notice of Review of Environmental Factors for implementation of 'Package C1' of the B Line project, for which Roads and Maritime Services is both the Proponent and the Determining Authority.

The correspondence for "Package C1" of the Northern Beaches B-Line Program (Clash Removal Works) including the 120-page Arboriculture Impact Assessment Report was received on 15 June with a closing date for submissions of 7 July. Transport for NSW advised that 'Subject to determination under Part 5 of the EP&A Act, the proposed works are expected to commence in the mid-2017 and would be completed by late 2017, with the B-Line Service operational in late 2017.'

The Clash Removal Works report assessed 55 kerbside trees within the North Sydney Local Government Area that may interfere with the new double-decker B-Line buses, including one tree of high heritage significance within St Leonards Park.

Transport for NSW propose removal of 34 trees, excessive pruning (greater than 30% of canopy) of three trees and acceptable levels of pruning on the remaining 18 trees.

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 report regarding removal of street trees for the B-Line project be received.

Mr Davie Macdonald addressed Council.

Councillor Baker returned to the meeting at 9.26pm.

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

1. THAT the report regarding removal of street trees for the B-Line project be received.

2. THAT Council write to our local State MP and to the Premier providing a copy of Council's submission.

3. THAT in Council's letter to our local State MP Council call on her to advocate for the retention of the trees that are proposed to be removed and/or excessively pruned.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT the report regarding removal of street trees for the B-Line project be received.

2. THAT Council write to our local State MP and to the Premier providing a copy of Council's submission.

3. THAT in Council's letter to our local State MP Council call on her to advocate for the retention of the trees that are proposed to be removed and/or excessively pruned.

258. **P01: Former HMAS Platypus Site**

Council has received a petition from the Friends of Platypus seeking the following:

"That North Sydney Council request the Sydney Harbour Federation Trust to have greater regard to community feedback which calls for increased green space in its development of the former HMAS Platypus site, including for the removal of buildings including the RANTME hulk on the southern end of the site."

Mr Neil Schafer addressed Council.

Mr Russell Debney addressed Council.

The Mayor declared a non-significant non-pecuniary interest in this matter as she is a member of the Sydney Harbour Federation Trust Community Advisory Committee.

A Motion was moved by Councillor Clare, seconded by Councillor Baker,

1. THAT the petition be received and referred to the Sydney Harbour Federation Trust.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT the petition be received and referred to the Sydney Harbour Federation Trust.

MINUTES OF THE MAYOR

259. MM01: Brett Whiteley Place

I have had a number of residents contact me since Brett Whiteley Place opened at the end of June. The general feedback is that the new community space is rather elegant, but would be further enhanced with some colour.

While the work has been completed to a high standard, they have expressed a number of concerns about the project. Three common complaints are:

- there is inadequate seating (most of the seating is concrete which is uncomfortable to sit on and rough on clothing);
- the plaza lacks colour and life;
- it looks little like the images advertised by Council during the consultation period.

Brett Whiteley is widely acclaimed as one of the most significant Australian artists of the 20th Century. The greyness of the plaza does not mirror the life, colour and energy associated with the artist or his work.

While the lighting at night does make things brighter, the major use of this space is still during the day by the tens of thousands of people who work in the North Sydney CBD.

I believe we need to look at how we can bring colour into Brett Whiteley Place – perhaps through colourful furniture or various colourful designs or lettering on the side of the steps and seating.

I therefore recommend:

- 1. THAT** the Strategic Planning Department appoint design consultants to provide options for effective and low cost ways to bring colour and life to Brett Whiteley Place.
- 2. THAT** options for adding colour be reported back to Council for consideration.

By consent, the Motion was amended to read,

- 1. THAT** the Strategic Planning Department appoint design consultants to provide options for effective and low cost ways to bring colour and life to Brett Whiteley Place.
- 2. THAT** options for adding colour be reported back to Council for consideration.

3. THAT Council investigate ways to increase the performance space in Brett Whiteley Place.

Voting was as follows:

For/Against 5/5

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

Voting being equal the Mayor used her casting vote for the Motion.

RESOLVED:

- 1. THAT** the Strategic Planning Department appoint design consultants to provide options for effective and low cost ways to bring colour and life to Brett Whiteley Place.
- 2. THAT** options for adding colour be reported back to Council for consideration.
- 3. THAT** Council investigate ways to increase the performance space in Brett Whiteley Place.

260. MM02: Remuneration Tribunal Determination

Following the reclassification of North Sydney Council by the Local Government Remuneration Tribunal to Metro Small earlier this year, Council resolved in May to request that North Sydney Council be reclassified as a major CBD.

We have now heard back from all the parties we resolved to write to, but to no avail, and we are still classified as a Metro Small.

I believe it is important to ask for our “Metro Small” categorisation to be urgently reviewed as this clearly does not take into account our economic influence.

As I have previously stated, the North Sydney CBD currently accounts for 2.5% of employment in NSW. The NSW Government has identified North Sydney as part of the global economic corridor with diverse, competitive industries with international reach. The Gross Regional Product generated by the North Sydney CBD and surrounding areas was \$16.14 billion in the 14/15 financial year.

The NSW Government also chooses to call North Sydney a regionally significant area when it wants support and funding for its many regional events including New Year’s Eve, Australia Day, Spring Cycle and the Sydney Running Festival.

The NSW Government cannot have it both ways. Either North Sydney is acknowledged for its economic and regional importance or it is not. If it is, then we should be classified as a major CBD and Councillors paid in accordance with that responsibility. If it is not, then the State Government should stop inconveniencing our residents and staff with its endless requests to accommodate and financially underwrite its regional events.

In our correspondence to date, the Remuneration Tribunal has said its determination cannot be altered before the annual determination for 2018, unless the Minister for Local Government directs that a special determination is made before that time. The Minister’s office has suggested we write to the Tribunal setting out our concerns.

I therefore recommend:

- 1. THAT** Council writes to the Minister for Local Government asking her to direct the Remuneration Tribunal to make a special determination reclassifying North Sydney Council as a major CBD, in the light of the State Government's own statements that North Sydney plays a key role in both the State's economy and cultural events.
- 2. THAT** Council makes a submission to the Local Government Remuneration Tribunal for its 2018 annual review, requesting the reclassification of North Sydney Council as a major CBD.
- 3. THAT** Council be kept informed of any correspondence from the Remuneration Tribunal and Minister for Local Government regarding our classification and any upcoming reviews for that classification.

An amendment was moved by Councillor Carr and seconded by Councillor Clare,

- 1. THAT** Council writes to the Minister for Local Government asking her to direct the Remuneration Tribunal to make a special determination reclassifying North Sydney Council as a major CBD, in the light of the State Government's own statements that North Sydney plays a key role in both the State's economy and cultural events.
- 2. THAT** Council makes a submission to the Local Government Remuneration Tribunal for its 2018 annual review, requesting the reclassification of North Sydney Council as a major CBD.
- 3. THAT** Council in its correspondence with the Local Government Remuneration Tribunal specifically states that if the reclassification is successful, Council is not seeking an increase in the stipend for Councillors and the Mayor.
- 4. THAT** Council be kept informed of any correspondence from the Remuneration Tribunal and Minister for Local Government regarding our classification and any upcoming reviews for that classification.

The Amendment was put and carried.

Voting was as follows:

For/Against 7/3

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

The Amendment became the Motion and was put and carried.

Voting was as follows:

For/Against 8/2

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

RESOLVED:

- 1. THAT** Council writes to the Minister for Local Government asking her to direct the Remuneration Tribunal to make a special determination reclassifying North Sydney Council as a major CBD, in the light of the State Government's own statements that North Sydney plays a key role in both the State's economy and cultural events.

2. THAT Council makes a submission to the Local Government Remuneration Tribunal for its 2018 annual review, requesting the reclassification of North Sydney Council as a major CBD.

3. THAT Council in its correspondence with the Local Government Remuneration Tribunal specifically state that if the reclassification is successful, Council is not seeking an increase in the stipend for Councillors and the Mayor.

4. THAT Council be kept informed of any correspondence from the Remuneration Tribunal and Minister for Local Government regarding our classification and any upcoming reviews for that classification.

261. MM03: Pedestrian Refuge for Burlington Street, Crows Nest

(Previously considered – see Minute No. 247)

262. MM04: Street Libraries

(Previously considered – see Minute No. 248)

263. MM05: Coffee Pods and Capsules Recycling Collection Point

Australians consume an estimated three million coffee pods (also referred to as coffee capsules) per day, with many of these ending up in landfill.

While there are now some biodegradable alternatives on the market, many are still made from aluminium and are incredibly energy intensive to make.

These disposable, aluminium coffee capsules cannot be recycled in the general recycling bins and there are no drop-off recycling points currently available in North Sydney.

Other coffee pods and capsules, particularly generic brands, are often made from non-recyclable plastic. North Sydney Council has a long-standing commitment to sustainability and reducing our carbon emissions.

We actively encourage recycling through our yellow bins, our community recycling centre and free recycle groups, but none of these recycle coffee pods.

Council can help encourage the recycling of these aluminium pods by providing an easily accessible drop-off point for members of the community.

The pods can then be sent to a specialised recycling facility, helping to divert unnecessary waste from landfill.

I therefore recommend:

1. THAT Council staff produce a report for the next Council meeting on the possibility of setting up a coffee pod and capsule drop-off recycling point at Council Chambers or at another Council facility.

The Motion was put and lost.

Voting was as follows:

For/Against 3/7

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

264. MM06: Western Harbour Tunnel & Beaches Link - Public Meeting

(Previously considered – see Minute No. 249)

265. MM07: Receiving Rates Notices by Email

Several residents have approached me asking why they cannot receive their rate notices by email.

I understand that Council staff are already working through legislative and software issues to make this possible.

Email notifications of rates instalment notices will help cut down on unnecessary paper wastage, reduce postage costs and make the process more time efficient for all concerned.

I believe this service is currently available in some other Council areas and has proved to be highly popular.

I therefore recommend:

- 1. THAT** Council endorse efforts to make rates instalment notification available by email.
- 2. THAT** a report on the current status of these efforts be prepared for Council.

The Motion was put and carried.

Voting was as follows:

For/Against 9/1

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

RESOLVED:

- 1. THAT** Council endorse efforts to make rates instalment notification available by email.
- 2. THAT** a report on the current status of these efforts be prepared for Council.

266. MM08: Neighbourhood Shop Size Restrictions

A development application to extend an existing business at 182 Blues Point Road in McMahon's Point into a now vacant news agency within the same building was recently received by Council.

While this building is located in an "IN2 Light Industrial Zone" in the North Sydney LEP 2013, permitting neighbourhood shops, the extension would have resulted in the business having a total floor area of around 182sq meters.

The current maximum floor space allowed for neighbourhood shops in an "IN2 Light Industrial Zone" under the LEP is just 80sq meters, meaning Council planners were obligated to refuse the application.

It is my understanding that this limitation is a carryover from the template instrument produced by the Department of Planning to prevent large companies from domineering the local market place.

However, nearby properties in Blues Point Road are zoned "B1 Neighbourhood Centre" which permits shops as well as neighbourhood shops, with less restrictive controls.

This particular business owner is now left unable to expand in their current location. This seems unreasonably restrictive and I believe it is time this zoning was reviewed.

I therefore recommend:

- 1. THAT** the existing 80sq metre maximum for neighbourhood shops in an "IN2 Light Industrial Zone" under the North Sydney LEP 2013 be reviewed, having regard to the need to maintain and support local businesses.
- 2. THAT** Council planners evaluate whether 182 Blues Point Road be rezoned "B1 Neighbourhood Business" to allow for less restrictive planning controls for businesses in that building.
- 3. THAT** a report exploring these options comes back to Council for consideration.

By consent, the Motion was amended to read,

- 1. THAT** the existing 80sq metre maximum for neighbourhood shops in an "IN2 Light Industrial Zone" under the North Sydney LEP 2013 be reviewed, having regard to the need to maintain and support local businesses.
- 2. THAT** Council write to the owners of 182 Blues Point Road and suggest that they lodge a planning proposal.
- 3. THAT** a report exploring these options comes back to Council for consideration.

The Motion was put and carried.

Voting was as follows:

For/Against 9/1

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

RESOLVED:

1. THAT the existing 80sq metre maximum for neighbourhood shops in an “IN2 Light Industrial Zone” under the North Sydney LEP 2013 be reviewed, having regard to the need to maintain and support local businesses.

2. THAT Council write to the owners of 182 Blues Point Road and suggest that they lodge a planning proposal.

3. THAT a report exploring these options comes back to Council for consideration.

267. MM09: Additional Netball Courts at the Ward Street Carpark North Sydney

(Previously considered – see Minute No. 250)

268. MM10: Community Garden in Anzac Park (Late Item)

(Previously considered – see Minute No. 251)

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

269. NoRM01: Notice of Rescission No 2/17 By Councillors Gibson, Barbour, Bevan and Marchandean

THAT the decision of Council at its meeting of 26 June 2017 regarding EPS04: Draft TAPAS Action Plans:

1. THAT Council place the Draft Action Plans on public exhibition for an extended exhibition period of no less than 60 days and that the exhibition period not commence during the school holiday period.

2. THAT all outstanding ad-hoc traffic requests that have not come to Council now be considered under the criteria set out in the Draft TAPAS Action Plans.

be rescinded.

Councillor Carr left the meeting at 9.51pm.

Councillor Morris left the meeting at 9.52pm.

The Mayor vacated the Chair at 9.52pm. Councillor Clare assumed the Chair.

The Rescission Motion was moved by Councillor Barbour, seconded by Councillor Bevan.

Councillor Carr returned to the meeting at 9.54pm.

Councillor Morris returned to the meeting at 9.58pm.

The Rescission Motion was put and lost.

Voting was as follows:

For/Against 4/6

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

The Mayor resumed the Chair at 10.01pm.

It was moved by Councillor Beregi, seconded by Councillor Clare and resolved that Items GMO01 and GMO03 be considered en globo.

Voting was as follows:

For/Against 10/0

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

General Manager's Office

270. **GMO01: Compliance with Performance Improvement Order - July 2017**

(This matter was considered en globo. See page 245)

Report of Adrian Panuccio, A/General Manager

The Minister for Local Government, the Hon Gabrielle Upton, on 9 March 2017 issued the Council with a Performance Improvement Order (**PIO**) under section 438A of the *Local Government Act 1993*.

This report advises Council's compliance to date with the PIO.

The estimated costs for complying with the PIO is \$65,000. This figure includes office changes, training and the Temporary Advisor's fee.

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.

RESOLVED:

- 1. THAT** the report be received.

271. **GMO02: Notice of Intention to Recover Reasonable Expenses of the Public Inquiry**

Report of Adrian Panuccio, A/General Manager

This report refers to the proposed Notice of Intention to Recover Reasonable Expenses of the Public Inquiry forwarded to Council by the Office of Local Government on 18 July 2017 (the draft Notice).

In summary, the Office of Local Government seeks a submission from Council in respect of whether the draft Notice should be issued at all but also seeks any further submission on the appropriate amount that would be considered reasonable if the Notice is in fact issued.

Acting Chief Executive, Office of Local Government seeks any submissions by no later than 28 July 2017.

If the Acting Chief Executive does in fact issue the Notice then Council has a right of appeal to challenge any part of the expenses which are not reasonable expenses.

There is no budget set aside for this expenditure in either 2016/17 and 2017/18 therefore an appropriate provision may need to be included in the 2016/17 Financial Statements. In addition, and dependent on how this matter is progressed by the Acting Chief Executive, Office of Local Government a further report to Council may be required to reallocate projects funded in 2017/18 in order to fund the quantum of expenses as identified in any Notice.

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, however as Council remains in a merger proposal period and has made no budget provisions for such expenditure, the normal course would be to advertise and seek public comments. However, it is not presently clear as to how such a Notice would be interpreted in terms of the Guidelines.

Recommending:

- 1. THAT** the Council resolve to make a submission to the Acting Chief Executive, Office of Local Government in respect of the draft Notice.
- 2. THAT** the Council resolve to commence proceedings seeking an administrative review of the expenses incurred in holding the Public Inquiry, if in the event a Notice to Recover Reasonable Expenses is issued by the Acting Chief Executive, Office of Local Government.
- 3. THAT** the Council resolve to grant delegation to the Acting General Manager to enter into discussions with the Office of Local Government to negotiate and settle the issue of costs in the event a Notice to Recover Reasonable Expenses is issued by the Acting Chief Executive, Office of Local Government.

The Motion was moved by Councillor Baker and seconded by Councillor Clare.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

- 1. THAT** the Council resolve to make a submission to the Acting Chief Executive, Office of Local Government in respect of the draft Notice.
- 2. THAT** the Council resolve to commence proceedings seeking an administrative review of the expenses incurred in holding the Public Inquiry, if in the event a Notice to Recover Reasonable Expenses is issued by the Acting Chief Executive, Office of

Local Government.

3. THAT the Council resolve to grant delegation to the Acting General Manager to enter into discussions with the Office of Local Government to negotiate and settle the issue of costs in the event a Notice to Recover Reasonable Expenses is issued by the Acting Chief Executive, Office of Local Government.

272. GMO03: Matters Outstanding

(This matter was considered en globo. See page 245)

Report of Adrian Panuccio, Acting General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 26 June 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.

RESOLVED:

1. THAT the report be received.

City Strategy Division

Councillor Marchandean and Councillor Reymond declared an interest in this matter and left the meeting at 10.05pm.

273. CiS01: Proposed Child Care Centre and Residence - 12A Shirley Road, Wollstonecraft – DA 112/2017

Report of Stephen Beattie, Manager Development Services

At Council's meeting held on 22 May 2017, it considered a Mayoral Minute regarding a proposal to erect a new child care centre and dwelling at 12A Shirley Road, Wollstonecraft and resolved:

1. "THAT the DA notification area for 12A Shirley Road, Wollstonecraft, be extended to include all properties on the Berry Island peninsular, boarded by River Road to the North, the Harbour and railway to the south, Gore Cove to the west and Shirley Road to the east (a map is attached).

2. THAT the consultation period be extended from the current closing date of 29 May 2017 to 26 June 2017 to allow time for the additional notifications and community feedback.

3. THAT Council staff prepare a report for Council to review so that Council can make a submission to the Sydney North Planning Panel if desired.

4. THAT Council staff keep all submitters and the relevant Precincts and the Wollstonecraft Residents Group informed of the progress of the DA and the date of the SNPP meeting."

This report responds to Council's resolution and provides an update of the application's progress.

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 determine its position in regard to making a submission to the Sydney North Regional Planning Panel.

A Motion was moved by Councillor Baker and seconded by Councillor Gibson,

THAT Council urge the Sydney North Planning Panel to refuse the application on the following grounds:

1. The proposed development is inconsistent with the objectives of the E4 Environmental Living zone under North Sydney LEP 2013. In particular, the proposed development will not provide low-impact residential development and will have an adverse effect on the special ecological, scientific and aesthetic values of the zone due to the scale of the proposed development, extent of excavation, loss of significant trees and failure to preserve significant natural features of the site.
2. The proposed development will result in excessive excavation of the site contrary to the maximum allowable excavation requirements in clause 3.4.6 of North Sydney DCP 2013.
3. The proposed form, bulk and scale of the proposed development is inconsistent with the existing and desired future character of the E4 Environmental Living zone and the locality.
4. The proposed development will result in the loss of significant trees and removal of the majority of vegetation and natural topography on the site including a natural rock outcropping.
5. The proposed development will result in adverse heritage impacts on the adjoining heritage item.
6. The proposed development fails to comply with the maximum site coverage requirements under North Sydney DCP 2013.
7. The proposed development is an overdevelopment of the site and excessive given the location and zoning as it fails to comply with the recommended maximum number of children for a single child care centre and vastly exceeds the best practice recommendation of 75 children under North Sydney DCP 2013.
8. The proposed development will result in a significant increase in traffic with associated adverse amenity impacts on the locality.
9. The proposed development will result in adverse impacts on parking, is contrary to the public interest and will set an unacceptable precedent by allowing a private commercial development to rely upon the public resource of on-street parking spaces.
10. The proposed development will result in adverse safety impacts due to the combination of restricted width of the roadway, high number of vehicles generated by the proposed development and the need for vehicles to turn within the road carriageway in order to depart the site and in the context of young children being picked up and dropped off to the site.
11. The site is not suitable for a childcare centre of the proposed size due to restricted road widths, turning facilities and impacts on parking.
12. The proposed development is not in the public interest.

The Motion was put and carried.

Voting was as follows:

For/Against 8/0

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

RESOLVED:

THAT Council urge the Sydney North Planning Panel to refuse the application on the following grounds:

1. The proposed development is inconsistent with the objectives of the E4 Environmental Living zone under North Sydney LEP 2013. In particular, the proposed development will not provide low-impact residential development and will have an adverse effect on the special ecological, scientific and aesthetic values of the zone due to the scale of the proposed development, extent of excavation, loss of significant trees and failure to preserve significant natural features of the site.
2. The proposed development will result in excessive excavation of the site contrary to the maximum allowable excavation requirements in clause 3.4.6 of North Sydney DCP 2013.
3. The proposed form, bulk and scale of the proposed development is inconsistent with the existing and desired future character of the E4 Environmental Living zone and the locality.
4. The proposed development will result in the loss of significant trees and removal of the majority of vegetation and natural topography on the site including a natural rock outcropping.
5. The proposed development will result in adverse heritage impacts on the adjoining heritage item.
6. The proposed development fails to comply with the maximum site coverage requirements under North Sydney DCP 2013.
7. The proposed development is an overdevelopment of the site and excessive given the location and zoning as it fails to comply with the recommended maximum number of children for a single child care centre and vastly exceeds the best practice recommendation of 75 children under North Sydney DCP 2013.
8. The proposed development will result in a significant increase in traffic with associated adverse amenity impacts on the locality.
9. The proposed development will result in adverse impacts on parking, is contrary to the public interest and will set an unacceptable precedent by allowing a private commercial development to rely upon the public resource of on-street parking spaces.
10. The proposed development will result in adverse safety impacts due to the combination of restricted width of the roadway, high number of vehicles generated by the proposed development and the need for vehicles to turn within the road carriageway in order to depart the site and in the context of young children being picked up and dropped off to the site.
11. The site is not suitable for a childcare centre of the proposed size due to restricted road widths, turning facilities and impacts on parking.
12. The proposed development is not in the public interest.

Councillor Marchandean and Councillor Reymond returned to the meeting at 10.06pm.

274. CiS02: Heritage Assessment of 24 Cranbrook Avenue, Cremorne and Associated Planning Proposal

(Previously considered – see Minute No. 252)

275. CiS03: Planning Proposal - 617-621 Pacific Highway, St Leonards

(Previously considered – see Minute No. 253)

276. CiS04: 575-583 Pacific Highway, St Leonards – Voluntary Planning Agreement

(Previously considered – see Minute No. 254)

277. CiS05: Balls Head Coal Loader Wharf and Complex – Further Update on Council’s Nomination on the State Heritage Register

Report of Lisa Trueman, Conservation Planner

This report has been prepared to update Council on the progress of Council’s Nomination Coal Loader Wharf at Waverton on the State Heritage Register (SHR).

At its meeting on 14 June 2016, Council considered a report relating to the former Coal Loader Wharf, Waverton. The report had been prepared in response to correspondence from the Roads and Maritime Services (RMS) indicating their intention to demolish the Wharf in its entirety, due to safety risks posed by the deteriorating structure.

At that meeting, Council resolved to nominate the Balls Head Coal Loader Wharf for listing on the State Heritage Register and apply to the Heritage Council for an Interim Heritage Order to prevent demolition of the Wharf.

In accordance with this resolution, Council wrote to the Minister for Heritage, Hon Mark Speakman, on 21 July 2016, enclosing a completed *Nomination for State Listing* to have the former Coal Loader Wharf listed on the State Heritage Register under Part 3A of the Heritage Act 1977, and requesting that an Interim Heritage Order be placed over the Wharf under section 24 of the Heritage Act 1977 to protect the structure while the Nomination for State Listing is being considered.

On 22 May 2017, Council considered a further report to Council, which updated Council on the progress of the Nomination. At that meeting, Council resolved to write to the Minister for Heritage, requesting that the consideration of the Nomination of the Coal Loader Wharf on the State Heritage Register be expedited to the earliest possible meeting of the State Heritage Register Committee meeting, given the ongoing deterioration of the structure. Council further resolved to write to the Roads and Maritime Services and request that they ensure that the structure is properly protected and maintained, in order to prevent any further deterioration, whilst the nomination of the structure of the State Heritage Register is being resolved.

In accordance with these resolutions, Council wrote to the Minister for Heritage and the RMS. The NSW Heritage Office has responded, indicating that the Nomination has now progressed and is likely to be considered by the State Heritage Register Committee at its September 2017 meeting.

The Heritage Office has further advised that they intend to progress the nomination for the Wharf and the associated, land based, Coal Loading Complex ‘as it was felt that the significance of these items are inexplicably interlinked’.

As the land based component of the Coal Loader Complex is within Council's ownership, the Heritage Office seeks Council's support for the inclusion of this component within the State Listing.

This report provides commentary as to the implications of the inclusion of the Coal Loader Complex on the Nomination for State Listing and makes appropriate recommendation.

There are no costs to North Sydney Council resulting from the nomination of the Coal Loader Complex on the State Heritage Register.

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 listing of the entire Coal Loader Complex, including the land based structures and wharf, on the State Heritage Register.

A Motion was moved by Councillor Baker and seconded by Councillor Morris,

1. THAT Council supports the listing of the entire Coal Loader Complex, including the land based structures and wharf, on the State Heritage Register.

2. THAT Council include in any submission on proposed work sites for the construction of the Western Harbour Tunnel a strong submission opposing the use of this locality as a worksite based on the impacts on heritage, bushland, Aboriginal heritage and restriction of public access to the reserve, Coal Loader Platform and Centre and the harbour foreshore.

3. THAT Council acknowledge the advocacy of the Waverton Precinct in the heritage listing of the site.

4. THAT Council thank Council's Strategic Planning staff and in particular Mr Stephen Beattie for their work on this project.

5. THAT a copy of the report and resolution be forwarded to the Waverton Precinct.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT Council supports the listing of the entire Coal Loader Complex, including the land based structures and wharf, on the State Heritage Register.

2. THAT Council include in any submission on proposed work sites for the construction of the Western Harbour Tunnel a strong submission opposing the use of this locality as a worksite based on the impacts on heritage, bushland, Aboriginal heritage and restriction of public access to the reserve, Coal Loader Platform and Centre and the harbour foreshore.

3. THAT Council acknowledge the advocacy of the Waverton Precinct in the heritage listing of the site.

4. THAT Council thank Council's Strategic Planning staff and in particular Mr Stephen Beattie for their work on this project.

5. THAT a copy of the report and resolution be forwarded to the Waverton Precinct.

278. CiS06: Update on the St Leonards, Crows Nest and Artarmon Priority Precinct

Report of Emma Booth, Team Leader Design

On 7 July 2016, the Minister for Planning announced a “strategic planning investigation” into St Leonards, Crows Nest and the Artarmon industrial area. On 1 June 2017 the area was declared a “priority precinct”. It now forms part of State Government’s housing affordability package which includes fast-tracking the delivery of 30,000 new dwellings across the Metropolitan area.

There is no legislation or state policy governing either process. Local government and community involvement is largely at state government’s discretion. This was addressed in part by a Terms of Reference that was agreed to by Lane Cove, Willoughby and North Sydney Council, the Department of Planning & Environment and Transport for NSW (Attachment 1).

It is understood an Interim Statement outlining the vision and guiding principles for the precinct will be released shortly. A draft *Land Use and Infrastructure Implementation Plan* (LUIIP) and a new state levy (SIC) may be released for public comment later this year.

The LUIIP and SIC may significantly impact the future character, built form, density and function of St Leonards, Crows Nest and Artarmon industrial area. The SIC may affect Council’s ability to deliver planned open space and social infrastructure projects the formed part of Council’s work to plan for the anticipated growth of the precinct.

The three councils have had limited active involvement in the process to date. There has been no consultation with the community. The release of the Interim Statement, draft LUIIP and SIC therefore represent important opportunities for local government and the community to have a say on the future of our area.

This report makes a series of recommendations to ensure the three affected councils and the community have sufficient time and opportunity to inform the Department’s plans. This includes the possible exhibition of the draft LUIIP and SIC during the local government caretaker period that commences on 11 August through to the first meeting of the newly elected Council on 9 October 2017.

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 write to the Department of Planning and Environment to:

- a. request the Department undertakes the same level of consultation with the North Sydney community as proposed for other priority precincts in the Sydney Metropolitan Area including drop in sessions and a community survey prior to continuing any further work on the *Land Use and Infrastructure Implementation Plan*;
- b. recommend that documents not be released during the local government caretaker period as it denies Council and the community an appropriate opportunity to consider and respond to such documents; and
- c. express concern over the lack of progress in establishing and conducting meetings with the Advisory Group and Community Reference Group.

2. THAT Council undertake an awareness campaign of any documents released by the Department of Planning and Environment in respect of the St Leonards Crows Nest Priority Precinct.

3. THAT should any documents be released during the caretaker period by the Department of Planning and Environment in respect of the St Leonards Crows Nest Priority Precinct, that Council make a submission based on existing Council policies

and previous correspondence from staff, including but not limited to:

- a. Community Strategic Plan 2013 – 2023;
- b. Crows Nest Placemaking and Principles Study;
- c. St Leonards Crows Nest Planning Study – Precinct 1;
- d. St Leonards Crows Nest Planning Study – Precincts 2 & 3;
- e. Christie Street Masterplan
- f. North Sydney Council submission on the draft North District Plan;
- g. Sydney Metro Planning Study;
- h. letter to the Department of Planning and Environment dated 23 May 2017 concerning the need for an employment strategy to protect long term employment growth in the St Leonards strategic centre and surrounds; and
- i. relevant Council submissions to the Sydney North Planning Panel.

4. THAT Council continue to advocate for the alignment of strategic planning for the built form, public domain, land use and operational outcomes of the metro rail project with the priority precinct process.

A Motion was moved by Councillor Baker and seconded by Councillor Morris,

1. THAT Council write to the Department of Planning and Environment to:

- a. request the Department undertakes the same level of consultation with the North Sydney community as proposed for other priority precincts in the Sydney Metropolitan Area including drop in sessions and a community survey prior to continuing any further work on the *Land Use and Infrastructure Implementation Plan*;
- b. recommend that documents not be released during the local government caretaker period as it denies Council and the community an appropriate opportunity to consider and respond to such documents; and
- c. express concern over the lack of progress in establishing and conducting meetings with the Advisory Group and Community Reference Group.

2. THAT Council undertake an awareness campaign of any documents released by the Department of Planning and Environment in respect of the St Leonards Crows Nest Priority Precinct.

3. THAT should any documents be released during the caretaker period by the Department of Planning and Environment in respect of the St Leonards Crows Nest Priority Precinct, that Council make a submission based on existing Council policies and previous correspondence from staff, including but not limited to:

- a. Community Strategic Plan 2013 – 2023;
- b. Crows Nest Placemaking and Principles Study;
- c. St Leonards Crows Nest Planning Study – Precinct 1;
- d. St Leonards Crows Nest Planning Study – Precincts 2 & 3;
- e. Christie Street Masterplan
- f. North Sydney Council submission on the draft North District Plan;
- g. Sydney Metro Planning Study;
- h. letter to the Department of Planning and Environment dated 23 May 2017 concerning the need for an employment strategy to protect long term employment growth in the St Leonards strategic centre and surrounds; and
- i. relevant Council submissions to the Sydney North Planning Panel.

4. THAT Council continue to advocate for the alignment of strategic planning for the built form, public domain, land use and operational outcomes of the metro rail project with the priority precinct process.

5. THAT Council acknowledge and thank the exceptional work of Council's Strategic Planning officers on the careful planning under the St Leonards/Crows Nest Masterplans, and in their work on the Crows Nest Metro planning without which Council would not be in a position to strongly advocate for design excellence, the

provision of defined community benefits including the expanded Hume Street Park in this Precinct.

6. THAT Council write to former Senior Strategic Planner, Alex Williams, thanking him for his work and participation on the various Strategic Planning programs in this Precinct.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT Council write to the Department of Planning and Environment to:

- request the Department undertakes the same level of consultation with the North Sydney community as proposed for other priority precincts in the Sydney Metropolitan Area including drop in sessions and a community survey prior to continuing any further work on the *Land Use and Infrastructure Implementation Plan*;
- recommend that documents not be released during the local government caretaker period as it denies Council and the community an appropriate opportunity to consider and respond to such documents; and
- express concern over the lack of progress in establishing and conducting meetings with the Advisory Group and Community Reference Group.

2. THAT Council undertake an awareness campaign of any documents released by the Department of Planning and Environment in respect of the St Leonards Crows Nest Priority Precinct.

3. THAT should any documents be released during the caretaker period by the Department of Planning and Environment in respect of the St Leonards Crows Nest Priority Precinct, that Council make a submission based on existing Council policies and previous correspondence from staff, including but not limited to:

- Community Strategic Plan 2013 – 2023;
- Crows Nest Placemaking and Principles Study;
- St Leonards Crows Nest Planning Study – Precinct 1;
- St Leonards Crows Nest Planning Study – Precincts 2 & 3;
- Christie Street Masterplan
- North Sydney Council submission on the draft North District Plan;
- Sydney Metro Planning Study;
- letter to the Department of Planning and Environment dated 23 May 2017 concerning the need for an employment strategy to protect long term employment growth in the St Leonards strategic centre and surrounds; and
- relevant Council submissions to the Sydney North Planning Panel.

4. THAT Council continue to advocate for the alignment of strategic planning for the built form, public domain, land use and operational outcomes of the metro rail project with the priority precinct process.

5. THAT Council acknowledge and thank the exceptional work of Council's Strategic Planning officers on the careful planning under the St Leonards/Crows Nest Masterplans, and in their work on the Crows Nest Metro planning without which Council would not be in a position to strongly advocate for design excellence, the provision of defined community benefits including the expanded Hume Street Park in

this Precinct.

6. THAT Council write to former Senior Strategic Planner, Alex Williams, thanking him for his work and participation on the various Strategic Planning programs in this Precinct.

It was moved by Councillor Beregi, seconded by Councillor Baker and resolved that Items CiS07, CiS08, CiS14 and CiS15 be considered en globo.

Voting was as follows:

For/Against 10/0

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

279. **CiS07: Value Capture Schemes for the North Sydney CBD**

(This matter was considered en globo. See page 255)

Report of Katerina Papas, Graduate Strategic Planner

On 20 March 2017, Council considered a Notice of Motion (No. 9/17) which called for a report looking at value capture schemes for the North Sydney CBD. Council resolved: *THAT Council call for a report looking at the validity of North Sydney Council implementing a value capture scheme, similar to those implemented by, or being considered by, the City of Parramatta Council, Randwick Council and the City of Ryde, for future rezoning in the North Sydney CBD.*

Value capture (also known as ‘value sharing’) is a funding strategy that seeks to raise contributions towards the capital cost of planned infrastructure projects by capturing a portion of the increased land value created by new infrastructure or planning decisions. A driving principle of the *St Leonards/Crows Nest Planning Studies (2012, 2015)* is that opportunities beyond those available under existing planning controls may only be pursued if pre-determined public benefits are provided to meet the community’s needs. This is a form of value capture that relies on the planning proposal process to capture developer contributions (monetary or works-related) via a voluntary planning agreement (VPA). The *North Sydney Centre Capacity and Land Use Study (2017)* has also proposed to apply a similar value capture mechanism to sites zoned B4-Mixed Use in the North Sydney CBD.

In accordance with Council’s resolution, this report examines four (4) alternate value capture schemes being implemented by, or considered by, Sydney councils. These schemes rely on statutory Local Environmental Plan (LEP) provisions which generally provide ‘incentive’ or bonus floor space ratio (FSR) controls if the development includes a contribution towards community infrastructure. This means that VPAs generally accompany development applications rather than planning proposals.

Shifting to an LEP-based value capture scheme would be problematic in the North Sydney context as it would likely require the introduction of FSR controls across large areas of the local government area. North Sydney Council has not historically used FSR controls to regulate development.

Given the success of Council’s existing approach to value capture, and the potential difficulty in shifting to an LEP-based scheme, it is recommended that no changes be made at this stage. However, Council staff will continue to monitor value capture schemes across Sydney and will continue to liaise with the Department of Planning and

Environment (DPE) to ensure that North Sydney's approach to value capture is fit-for-purpose and represents the best possible scheme for this local government area.

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 staff continue to monitor value capture schemes across Sydney and continue to liaise with the Department of Planning and Environment (DPE) to ensure that North Sydney's approach to value capture is fit-for-purpose and represents the best possible scheme for this local government area.

RESOLVED:

1. THAT Council staff continue to monitor value capture schemes across Sydney and continue to liaise with the Department of Planning and Environment (DPE) to ensure that North Sydney's approach to value capture is fit-for-purpose and represents the best possible scheme for this local government area.

280. CiS08: North Sydney CBD Food Truck Trial

(This matter was considered en globo. See page 255)

Report of Mark Yee, Strategic Planner

On 20 February 2017, Council adopted the draft 'North Sydney CBD Temporary Amenity Improvement Strategy' (Strategy) and the accompanying 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' for exhibition. These draft policies were prepared to address the disruptions in the North Sydney CBD experienced as a result of substantial construction activity and loss of food establishments.

A key outcome of the Strategy was that a food truck trial would occur within the CBD to address the significant reduction in the number of food premises. The trial approach has been proposed to establish and review the suitability and effectiveness of food trucks as an option to provide temporary food and amenity improvements within the CBD.

In consultation with Roads and Maritime Services (RMS), Council staff have worked to determine the most appropriate location for the food truck trial. Two of the recommended locations (Walker Street and Berry Street) are unlikely to be supported by RMS. The preferred alternative location for the food truck trial is on Mount Street west of the Pacific Highway, opposite the North Sydney Post Office. This location is preferred as it is not a RMS classified road, does not directly compete with other food premises and would activate an area in the CBD which is not affected by any on-going construction.

This report seeks endorsement from Council to proceed with the food truck trial at this amended location. Following Council endorsement of this location, the matter will need to be further approved by RMS via the Traffic Committee process to ensure that the location and design meets their road safety requirements and the relevant Australian Standards. This will involve detailed design and stakeholder consultation.

Given the recent loss of so many food premises through the demolition of Tower Square, 100 Miller Street and 1 Denison Street and the substantial period of time until the next Council meeting, it is proposed that commencement of the food truck trial be expedited. It is therefore proposed that the trial commence concurrently with the exhibition of the North Sydney CBD Mobile Food Vending Vehicles Trial Policy.

Substantial community consultation will occur prior, during and after the trial with key stakeholders in and around the CBD, including businesses, precinct committees, workers and visitors. The outcomes of the trial and the community consultation will be reported to Council to evaluate the success of the trial and determine whether to continue with the food truck program.

Detailed design of the Mount Street road reserve is currently being undertaken in consultation with RMS. It is highly likely that the food truck trial will involve the installation of parking spaces on the southern side of Mount Street and the reconfiguration of existing parking spaces on the northern side of Mount Street. The costs associated with line marking and signage are likely to be minor and can be accommodated within existing budgets. Assuming the trial period involves the loss of 4 metered spaces during operational hours, it is estimated this will result in a loss of approximately \$2000 over the 3-month trial period.

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

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

Recommending:

1. **THAT** Council support the proposed amended location for the food truck trial on Mount Street west of the Pacific Highway, subject to approval by the RMS' North Sydney Traffic Committee.
2. **THAT** following approval of the proposed Mount Street location and the design of new and reconfigured parking bays by the RMS's North Sydney Traffic Committee, required minor works be undertaken and a 3-month food truck trial be commenced.
3. **THAT** should the RMS or the Traffic Committee not support the Mount Street location, further consideration may be given to the previously proposed Site 3 on Walker Street or explore other options for the purposes of a trial which are endorsed by RMS and are consistent with the Food Vending Vehicles Trial Policy.
4. **THAT** exhibition of the 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' be undertaken concurrently with the trial.
5. **THAT** the 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' be amended prior to exhibition to expressly state that only vehicles under a width of 2.3m will be permitted to participate in the trial on Mount Street.
6. **THAT** community consultation for the trial and the accompanying 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' be undertaken in accordance with Council's resolution of 20 February 2017 and the associated Community Engagement Strategy.
7. **THAT** the outcomes of the food truck trial and the accompanying community consultation be reported back to Council evaluating the success of the trial and determine whether to continue with the food truck program.

RESOLVED:

1. **THAT** Council support the proposed amended location for the food truck trial on Mount Street west of the Pacific Highway, subject to approval by the RMS' North Sydney Traffic Committee.
2. **THAT** following approval of the proposed Mount Street location and the design of new and reconfigured parking bays by the RMS's North Sydney Traffic Committee, required minor works be undertaken and a 3-month food truck trial be commenced.
3. **THAT** should the RMS or the Traffic Committee not support the Mount Street location, further consideration may be given to the previously proposed Site 3 on Walker Street or explore other options for the purposes of a trial which are endorsed by RMS and are consistent with the Food Vending Vehicles Trial Policy.
4. **THAT** exhibition of the 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' be undertaken concurrently with the trial.

5. THAT the 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' be amended prior to exhibition to expressly state that only vehicles under a width of 2.3m will be permitted to participate in the trial on Mount Street.

6. THAT community consultation for the trial and the accompanying 'North Sydney CBD Mobile Food Vending Vehicles Trial Policy' be undertaken in accordance with Council's resolution of 20 February 2017 and the associated Community Engagement Strategy.

7. THAT the outcomes of the food truck trial and the accompanying community consultation be reported back to Council evaluating the success of the trial and determine whether to continue with the food truck program.

281. **CiS09: Smoking in Public Places**

Report of Mark Richardson, Manager Ranger and Parking Services

Council at its meeting of 18 April 2016 resolved (Min. No. 102):

1. Council declare Brett Whiteley Place and Elizabeth Plaza a no smoking public area in the CBD from 1 July 2016.

2. THAT a report be prepared regarding further potential for smoke free areas such as Hayes Street Beach, Crows Nest Place Civic Stage and Coal Loader Green Roof area.

3. THAT the initiative be trialled for one year.

The trial for Brett Whiteley Place and Elizabeth Plaza was completed on 30 June 2017. The self-enforcement concept did not prevent people smoking in those locations but it did give non-smokers a point of discussion with smokers to change behaviours in the area. Complaints received by Council for breaches of these restrictions during the trial period were low.

Other areas are considered with Crows Nest Place and the Coal Loader Green Roof Area being suitable to be declared No Smoking areas. Hayes Street Beach was felt to be unsuitable for the prohibition.

If these areas were to be declared non-smoking permanently under section 632 (2) (e) of the Local Government Act 1993 it would enable Rangers to issue penalty notices for breaches provided the area was appropriately signed with the prohibition. There are resourcing implications in enabling Council staff to monitor and respond to issues at these locations and they will have to be addressed in the future.

Signage costs associated with Section 632 prohibition is approximately \$300 per sign. Signs would be required at each point of entry to a location and must be prominently displayed. Currently there are four signs, the number should be increased to 8 signs at a cost of around \$1200. Enforcement would be initially be undertaken within existing resources. Dependent on the level of compliance and the number of complaints staff resourcing may need to be reviewed.

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 declare Brett Whiteley Place and Elizabeth Plaza permanently be no-smoking areas in accordance with Section 632 of the Local Government Act.

2. THAT Council approve an increase in the number of signs in Brett Whitely Place and Elizabeth Plaza so that all points of entry to these sites have the prohibition conspicuously displayed.

3. THAT Council declare Crow Nest Place and the Coal Loader Green Roof Area to be No Smoking areas in accordance with Section 632 of the Local Government Act.

4. THAT Council the Smoking in Public Places Policy (D2-17) be amended to include reference to the prohibitions in Brett Whitely Place, Elizabeth Plaza, Crows Nest Place

and the Coal Loader Green Roof; and that the amended policy be placed on public exhibition for 28 days.

5. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the amended Smoking in Public Places Policy as adopted at the end of the closing period for submissions.

6. THAT a review of the resourcing of this function be included in the next 4-year Delivery Program and budget estimates.

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

The Motion was put and carried.

Voting was as follows:

For/Against 9/1

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

RESOLVED:

1. THAT Council declare Brett Whiteley Place and Elizabeth Plaza permanently be no-smoking areas in accordance with Section 632 of the Local Government Act.

2. THAT Council approve an increase in the number of signs in Brett Whitely Place and Elizabeth Plaza so that all points of entry to these sites have the prohibition conspicuously displayed.

3. THAT Council declare Crow Nest Place and the Coal Loader Green Roof Area to be No Smoking areas in accordance with Section 632 of the Local Government Act.

4. THAT Council the Smoking in Public Places Policy (D2-17) be amended to include reference to the prohibitions in Brett Whitely Place, Elizabeth Plaza, Crows Nest Place and the Coal Loader Green Roof; and that the amended policy be placed on public exhibition for 28 days.

5. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the amended Smoking in Public Places Policy as adopted at the end of the closing period for submissions.

6. THAT a review of the resourcing of this function be included in the next 4-year Delivery Program and budget estimates.

282. CiS10: Air BnB Accommodation in North Sydney LGA

Report of Long Huynh, Team Leader Building Compliance

At its meeting of 26 June 2017, Council considered Notice of Motion No. 25/17 regarding Air BnB Policy Reform and Regulation and resolved:

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

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.

This report responds to Council's resolution.

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.

Councillor Beregi left the meeting at 10.22pm.

A Motion was moved by Councillor Baker and seconded by Councillor Clare,

1. THAT the report be received.

2. THAT the issue and the report be referred to NSROC for consideration for a regional project and lobbying for legislative reform.

The Motion was put and carried.

Voting was as follows:

For/Against 9/0

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

RESOLVED:

1. THAT the report be received.

2. THAT the issue and the report be referred to NSROC for consideration for a regional project and lobbying for legislative reform.

283. CiS11: Sydney Metro Project Approval Modification Submission

Report of Brad Stafford, Executive Planner – Metro Project

The Sydney Metro City and Southwest project was announced by the State Government in November 2015. The project proposes two new Metro railway stations within the North Sydney Local Government Area at Crows Nest and North Sydney CBD.

An Environmental Impact Statement for the Chatswood to Sydenham component of the project was publicly exhibited in May and June 2016 to which Council made a submission in July 2016. This submission was adopted by Council at its meeting on 24 July 2016.

Planning approval for the Sydney Metro project was granted by the Department of Planning and Environment in January 2017. The approval contained a condition requiring the review of plans to locate a Victoria Cross station services building at 194-196A Miller Street.

A proposal to modify the project approval was publicly exhibited from 7 June 2017 to 5 July 2017. The modification proposes to relocate the Victoria Cross services building to 50 McLaren Street, and includes the provision of an additional station access point servicing the northern end of the North Sydney CBD and adjoining precincts.

A submission was prepared by staff and is attached to this report. Owing to submission deadlines and Council's meeting and reporting schedule, the submission was not able to be reported to Council for endorsement during the exhibition period. A Council-

endorsed version of the submission will, however, be forwarded to the Department of Planning and Environment should the recommendations below be adopted.

There are no financial implications arising from this report.

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 Sydney Metro proposed modification submission attached to this report; and

2. THAT the submission be forwarded to the Department of Planning and Environment and Transport for NSW.

A Motion was moved by Councillor Baker and seconded by Councillor Morris,

1. THAT Council adopt the Sydney Metro proposed modification submission attached to this report.

2. THAT the submission be forwarded to the Department of Planning and Environment and Transport for NSW.

3. THAT a copy of the report be sent to Stanton, Edward, Hayberry and the Combined Precincts.

The Motion was put and carried.

Voting was as follows:

For/Against 9/0

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

RESOLVED:

1. THAT Council adopt the Sydney Metro proposed modification submission attached to this report.

2. THAT the submission be forwarded to the Department of Planning and Environment and Transport for NSW.

3. THAT a copy of the report be sent to Stanton, Edward, Hayberry and the Combined Precincts.

284. CiS12: Re-establishment of Design Excellence Panel for 2017/18 - 2018/19

Report of Yi Ho, Strategic Planner-Urban Design/Emma Booth, Team Leader-Design North Sydney Council encourages high quality urban design in the North Sydney local government area. This is achieved, in part, by seeking the independent advice of the Design Excellence Panel (DEP), established under North Sydney Council's *Design Panel Policy*.

In accordance with the *Design Panel Policy*, membership of the DEP is renewed every two years. Expressions of interest for DEP membership were sought from 30 May 2017 to Friday 22 June 2017. A total of 29 applications were received.

Support for the recommended appointments will enable the DEP to commence in August 2017.

The recurrent budget will cover the operational cost of the DEP.

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

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

Recommending:

1. THAT Council endorses appointment of six people to the Design Excellence Panel for 2017/18 - 2018/19.

2. THAT Council write to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.

Councillor Beregi returned to the meeting at 10.25pm.

Councillor Clare left the meeting at 10.25pm.

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

1. THAT Council endorses appointment of the following people to the Design Excellence Panel for 2017/18 - 2018/19:

- Mr Philip Graus, Director, Cox Richardson Architects & Planners (Chair)
- Emeritus Professor Peter Webber (Community representative)
- Ms Jocelyn Jackson, Practice Director, Tanner Kibble Denton Architects
- Ms Angela Koepp, Senior Associate, Roberts Day
- Ms Kylie Legge, Director, Place Partners
- Mr David Tordoff, Studio Director, Hayball

2. THAT Council write to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.

The Motion was put and carried.

Voting was as follows:

For/Against 9/0

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

RESOLVED:

1. THAT Council endorses appointment of the following people to the Design Excellence Panel for 2017/18 - 2018/19:

- Mr Philip Graus, Director, Cox Richardson Architects & Planners (Chair)
- Emeritus Professor Peter Webber (Community representative)
- Ms Jocelyn Jackson, Practice Director, Tanner Kibble Denton Architects
- Ms Angela Koepp, Senior Associate, Roberts Day
- Ms Kylie Legge, Director, Place Partners
- Mr David Tordoff, Studio Director, Hayball

2. THAT Council write to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.

285. CiS13: Innovation - Local Initiatives and Opportunities

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects

This report provides an overview of current local innovation-driven initiatives and opportunities for how local government can play a key role in creating an enabling environment for innovation locally and within its own organisation. It also compressively summarises the many initiatives already undertaken by Council to date. And, it attempts to respond to several inter-related “innovation” Council resolutions, including the reporting of ‘feasible ideas’. The purpose of reporting such outside of the proposed workshop is due to timing, to ensure innovation-driven ideas can be incorporated into the soon to commence review of the North Sydney Community Strategic Plan, the community’s long term vision for the North Sydney LGA.

Whilst Council currently does not have an adopted mandate regarding innovation - i.e. such is not included in its current Delivery Program outside of the recently adopted North Sydney Economic Development Strategy - significant research has been undertaken and has identified opportunities to better define Council’s role in supporting and enhancing the local ecosystem.

Funding for the recommendations made within are referred to in section 4 of this report. Any budget implication will be considered during the next budget cycle.

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 Innovation - local initiatives and opportunities report be received, and that the recommendations within be adopted.
2. **THAT** the inclusion of resourcing the recommendations within this report as well as mandated innovation function be included in the next 4-year Delivery Program and budget estimates.

A Motion was moved by Councillor Baker and seconded by Councillor Morris,

1. **THAT** the Innovation - local initiatives and opportunities report be received, and that the recommendations within be adopted with the exception of Recommendation (g).
2. **THAT** the inclusion of resourcing the recommendations within this report as well as mandated innovation function be included in the next 4-year Delivery Program and budget estimates.

The Motion was put and carried.

Voting was as follows:

For/Against 9/0

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

RESOLVED:

1. **THAT** the Innovation - local initiatives and opportunities report be received, and that the recommendations within be adopted with the exception of Recommendation (g).
2. **THAT** the inclusion of resourcing the recommendations within this report as well as mandated innovation function be included in the next 4-year Delivery Program and budget estimates.

286. CiS14: Post Exhibition Report - Draft North Sydney Transport Strategy

(This matter was considered en globo. See page 255)

Report of Nigel Turner, Strategic Transport Planner

On 20 February 2017, Council resolved to endorse the *Draft North Sydney Transport Strategy (Draft NSTS)* for the purpose of public exhibition. In accordance with this resolution, the *Draft NSTS* was publicly exhibited for a period of 6 weeks, from 27 April 2017 to 7 June 2017. This was the second round of community consultation, with the development of the *Draft NSTS* having been preceded by extensive community consultation in early 2016. Development of the *Draft NSTS* was informed by feedback to this consultation as well as the overarching principles outlined in the *North Sydney Community Strategic Plan 2013-2023* and *Ecologically Sustainable Development Best Practice Project: Transport (2013)*.

When adopted, the *North Sydney Transport Strategy (NSTS)* will be Council's guiding document for the delivery of its transport planning and management functions including strategic transport planning, delivery of local transport projects and transport advocacy.

This report provides:

- a summary of *Draft NSTS* exhibition submissions and a suggested approach to addressing these issues;
- a comprehensive assessment of each individual submission (Attachment 4); and
- an amended version of the *Draft NSTS* for Council's consideration (Attachment 5).

A total of 71 submissions were received during the public exhibition period, with one received after the ending of the official consultation period. Submissions were received from: residents, businesses, adjoining councils; and transport advocacy groups. While many of the submissions expressed general support for the *Draft NSTS* (17% approx.), most focus on specific issues for further consideration as part of the development of the document. Additional issues raised fall in to two categories:

1. Issues intended to be addressed as part of the development of Modal Action Plans; and
2. Issues addressed by proposed changes to the *Draft NSTS* (Attachment 5).

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 North Sydney Transport Strategy as amended (Attachment 5).
2. **THAT** Council progress the development of identified Modal Action Plans.

RESOLVED:

1. **THAT** Council adopt the North Sydney Transport Strategy as amended (Attachment 5).
2. **THAT** Council progress the development of identified Modal Action Plans.

287. CiS15: Biannual Review of the Delivery Program 2013/14-2016/17 for the Period 1 January to 30 June 2017

(This matter was considered en globo. See page 255)

Report of Katrina Furjanic, Corporate Planning Coordinator

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

The report includes information in summary and in detail on progress to deliver the Delivery Program 2013/14-2016/17 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 97%.

Full financial performance information and implications on Council's financial position are detailed within the June 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 2013/14-2016/17 for the period 1 January-30 June 2017 be received.

2. THAT Council notes the remedial action for those activities that were not on track for the period ending 30 June 2017, as outlined in the Biannual Review attached.

RESOLVED:

1. THAT the Biannual Review of the Delivery Program 2013/14-2016/17 for the period 1 January-30 June 2017 be received.

2. THAT Council notes the remedial action for those activities that were not on track for the period ending 30 June 2017, as outlined in the Biannual Review attached.

288. CiS16: North Sydney End of Term Report 2017

Report of Katrina Furjanic, Corporate Planning Coordinator

This report presents the North Sydney End of Term Report (EOTR) 2017 on progress towards achieving the strategic directions and outcomes of the North Sydney Community Strategic Plan 2013-2023.

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 North Sydney End of Term Report 2017 be received.

Councillor Clare returned to the meeting at 10.28pm.

A Motion was moved by Councillor Bevan and seconded by Councillor Marchandeanu,

1. THAT the North Sydney End of Term Report 2017 be received.

2. THAT Council acknowledge all staff who contributed to the achievements of Council for the last five years.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. **THAT** the North Sydney End of Term Report 2017 be received.

2. **THAT** Council acknowledge all staff who contributed to the achievements of Council for the last five years.

289. CiS17: North Sydney's Transport Future (Campaign) - Engagement Outcomes

(Previously considered – see Minute No. 255)

Community & Library Services Division

290. CLS01: Amended Road and Place Naming - Policy and Procedural Amendments

Report of Martin Ellis, Director Community and Library Services

Council recently considered, and ultimately approved, a request stemming from a Precinct Committee resolution supported by a Mayoral Minute for naming a boardwalk in Lavender Bay. The approval was informed by a subsequent report from Council's Historian providing background and justification for the naming.

Council also resolved that a further report be provided exploring how a more systematic approach might be adopted for future suggestions for recognising people and organisations, including a nomination process and annual meeting of Councillors to consider the nominations.

The resolution did not confine the report to place naming (there might be other means of conferring recognition) but anticipated that some additional procedures adopted for such an approach may be incorporated as amendments to Council's Road and Place Naming Policy (D2-15). All proposed amendments are indicated in Attachment 1 as italics/red font for new/additional wording and strikethrough for deletion. The proposed amendments are considered minor and do not warrant public exhibition.

May occur dependent on type of recognition, to be determined on a case by case basis.

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 Road and Place Naming Policy be amended as outlined in Attachment 1. The amendments are considered minor and do not warrant public exhibition.

2. **THAT** Council call for a report on whether a more significant name for Civic Park can be determined, if consistent with Council's Road and Place Naming Policy.

3. **THAT** notwithstanding these changes, Council determines whether it wishes to proceed with the annual meeting to determine nominations to recognise prominent people/organisations.

A Motion was moved by Councillor Bevan and seconded by Councillor Barbour,

- 1. THAT** the Road and Place Naming Policy be amended as outlined in Attachment 1. The amendments are considered minor and do not warrant public exhibition.
- 2. THAT** Council call for a report on whether a more significant name for Civic Park can be determined, if consistent with Council's Road and Place Naming Policy including advice from Council's Historian on the detailed history of the site.
- 3. THAT** Council refers to the next Council to determine whether it wishes to proceed with the annual meeting to determine nominations to recognise prominent people/organisations.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

- 1. THAT** the Road and Place Naming Policy be amended as outlined in Attachment 1. The amendments are considered minor and do not warrant public exhibition.
- 2. THAT** Council call for a report on whether a more significant name for Civic Park can be determined, if consistent with Council's Road and Place Naming Policy including advice from Council's Historian on the detailed history of the site.
- 3. THAT** Council refers to the next Council to determine whether it wishes to proceed with the annual meeting to determine nominations to recognise prominent people/organisations.

It was moved by Councillor Beregi, seconded by Councillor Morris and resolved that Items CLS02, CLS03, CLS04, CLS05 and CLS06 be considered en globo.

Voting was as follows:

For/Against 10/0

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

291. CLS02: Shorelink Library Network, June Meeting and Unaudited Financial Statements 2016-17

(This matter was considered en globo. See page 267)

Report of Rebecca Aukim, Manager Library Services

The Shorelink Committee met on 28 June 2017 at Mosman Council Chambers and, failing to achieve a quorum, agreed to consider the agenda and forward recommendations in the form of a report. The meeting agreed to support those Councils withdrawing from Shorelink (Willoughby in December 2017, and Northern Beaches in

June 2018) who might wish to access their share of the retained earnings beforehand, in order to fund the data extraction required to move to a different platform.

Taking up this early access option would be conditional on those Councils agreeing that they would make no further claim on Shorelink's retained earnings at the point of their actual withdrawal.

The unaudited Financial Statements 2016-17 show Shorelink is in a position to meet its liabilities regardless of any member Council(s) making a claim for an early withdrawal of their share of retained earnings.

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** an independent valuation of Shorelink assets be carried out in December 2017.
- 2. THAT** Council adopts the recommendations in the report of the meeting of the Shorelink Committee on the 28 June 2017.
- 3. THAT** the retained earnings reported in the Financial Statements (2016-17) may be distributed to member Councils on their request, up to an amount as per the percentages recorded in the 2016/17 estimates, so as to allow member Councils to meet any commitment arising from orders raised for data extraction.
- 4. THAT** should any Member Council request transfer of its full share of retained earnings prior to withdrawal, no further claim will be made on the reserves by that Council.
- 5. THAT** Member Councils withdrawing from Shorelink pay for their own data extraction.
- 6. THAT** while the Shorelink Office will continue to offer service in facilitating the data extraction for Willoughby City and Northern Beaches Councils, orders for the work are to be placed directly to Aurora Information Technology by Willoughby City and Northern Beaches Councils.

RESOLVED:

- 1. THAT** an independent valuation of Shorelink assets be carried out in December 2017.
- 2. THAT** Council adopts the recommendations in the report of the meeting of the Shorelink Committee on the 28 June 2017.
- 3. THAT** the retained earnings reported in the Financial Statements (2016-17) may be distributed to member Councils on their request, up to an amount as per the percentages recorded in the 2016/17 estimates, so as to allow member Councils to meet any commitment arising from orders raised for data extraction.
- 4. THAT** should any Member Council request transfer of its full share of retained earnings prior to withdrawal, no further claim will be made on the reserves by that Council.
- 5. THAT** Member Councils withdrawing from Shorelink pay for their own data extraction.
- 6. THAT** while the Shorelink Office will continue to offer service in facilitating the data extraction for Willoughby City and Northern Beaches Councils, orders for the work are to be placed directly to Aurora Information Technology by Willoughby City and Northern Beaches Councils.

292. CLS03: Draft Stanton Library Historical Services Collections Management Policy

(This matter was considered en globo. See page 267)

Report of Ian Hoskins, Council Historian

This report seeks the approval of the public exhibition of the attached draft Stanton Library Historical Services Collections Management Policy.

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 draft Stanton Library Historical Services Collections Management Policy be placed on public exhibition for 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Stanton Library Historical Services Collections Management Policy as adopted at the end of the closing period for submissions.

RESOLVED:

1. THAT the draft Stanton Library Historical Services Collections Management Policy be placed on public exhibition for 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Stanton Library Historical Services Collections Management Policy as adopted at the end of the closing period for submissions.

293. CLS04: Tax Deductible Gift Recipient Status for Stanton Library

(This matter was considered en globo. See page 267)

Report of Ian Hoskins, Council Historian

As a public library Stanton Library is eligible to be listed as a Deductible Gift Recipient [DGR] by the Australian Taxation Office [ATO]. This status permits the Library to receive gifts that may be deducted for tax purposes by the donor. North Sydney Council is the owner and operator of Stanton Library and can apply to be a deductible gift recipient only for the operation of its public library.

This report seeks Council's approval for the Acting General Manager's delegated authority to apply to the ATO for DGR status.

Tax deductible gifts need to be valued by two approved valuers who are paid by the recipient and/or the donor. Depending on the importance of the proposed donation, if these costs fall to Council they can be met by recurrent asset budgets.

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 given delegated authority to apply to the Australian Tax Office for Tax Deductible Gift Recipient Status for Stanton Library.

RESOLVED:

1. **THAT** the Acting General Manager be given delegated authority to apply to the Australian Tax Office for Tax Deductible Gift Recipient Status for Stanton Library.

294. **CLS05: Primrose Park Art and Craft Centre Joint Plan of Management 2017-2019**

(This matter was considered en globo. See page 267)

Report of Martin Ellis, Director, Community and Library Services

The Primrose Park Art and Craft Centre's Joint Plan of Management has been updated to coincide with the term of the Centre's new Strategic Plan.

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 draft Primrose Park Art and Craft Centre Joint Plan of Management 2017-2019 be placed on Public Exhibition for 28 days.

2. **THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers the Primrose Park Art and Craft Centre Plan of Management 2017-2019 as adopted after the period closes.

RESOLVED:

1. **THAT** the draft Primrose Park Art and Craft Centre Joint Plan of Management 2017-2019 be placed on Public Exhibition for 28 days.

2. **THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers the Primrose Park Art and Craft Centre Plan of Management 2017-2019 as adopted after the period closes.

295. **CLS06: Crows Nest Centre Joint Plan of Management 2017-2020**

(This matter was considered en globo. See page 267)

Report of Martin Ellis, Director, Community and Library Services

The Crows Nest Centre's Joint Plan of Management has been updated to coincide with the term of the Centre's new Strategic Plan.

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 draft Crows Nest Centre Joint Plan of Management 2017-2020 be placed on Public Exhibition for 28 days.

2. **THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers the Crows Nest Centre Plan of Management 2017-2020 as adopted after the period closes.

RESOLVED:

1. **THAT** the draft Crows Nest Centre Joint Plan of Management 2017-2020 be placed on Public Exhibition for 28 days.
2. **THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers the Crows Nest Centre Plan of Management 2017-2020 as adopted after the period closes.

296. **CLS07: Community Grants and Donations 2017/18 Post Exhibition Report**

Report of Martin Ellis, Director, Community and Library Services

One submission on the Small Grants program has been received from Crows Nest Mainstreet whose application for \$4,775 was unsuccessful. Correspondence has been received from the Mainstreet Secretary asking instead that the Carols event be treated in the same way that the Crows Nest Festival is treated; namely funded from the Mainstreet Levy. This can be supported.

The small grants program has been fully allocated. However sufficient funds are available from the Crows Nest Mainstreet Levy for the proposed Carols event.

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 approves an allocation of \$4,775 from the Crows Nest Mainstreet levy to fund the 2017 Christmas Carols event.

A Motion was moved by Councillor Baker and seconded by Councillor Morris,

1. **THAT** Council approves an allocation of \$4,775 to fund the 2017 Christmas Carols event.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. **THAT** Council approves an allocation of \$4,775 to fund the 2017 Christmas Carols event.

It was moved by Councillor Beregi, seconded by Councillor Morris and resolved that Items CoS01, CoS02, CoS03 and CoS04 be considered en globo.

Voting was as follows:

For/Against 10/0

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

Corporate Services Division

297. CoS01: Investments and Loan Borrowings Held as at 30 June 2017

(This matter was considered en globo. See page 272)

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 30 June 2017.

Investment Portfolio:

The portfolio provided an annualised return of 3.70% for the year to date as at 30 June 2017, 1.88% 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.

RESOLVED:

1. THAT the report be received.

298. CoS02: Upcoming Events 2017/18

(This matter was considered en globo. See page 272)

Report of Justin Sheining, Acting Manager Communications and Events

Council is planning a series of events to be held in the second half of 2017 and early 2018. Major events organised by Council returning in the 17/18 financial year include the Twilight Food Fair, BBQ by the Bridge on Australia Day and the Children's Festival. A new event titled "Tunnel Party" is proposed to be held over two nights in October in Burton St, Milsons Point. Third-party events returning include Blackmore's Sydney Running Festival, Crows Nest Festival, Spring Cycle, Carols Under the Bridge and the Seven Bridges Walk.

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.

RESOLVED:

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

299. CoS03: Council Mobile Services Review and Re-sign Proposal

(This matter was considered en globo. See page 272)

Report of Michael Macfarlane, Acting Manager Information Technology

Council's existing telecommunications contract has expired and is now operating on a month by month arrangement. At the time the tender process for a new contract would have started, the State Government proclaimed a proposal period to amalgamate councils and advised councils not to enter into long-term contracts that would bind a future entity.

The merger proposal period has now stretched well past the date originally anticipated. As an interim measure the option of signing a shorter contract with our existing carrier has been explored. A new short-term contract will create savings of more than \$100,000 over two years and will provide better services for phone users.

Section 55(3)(i) of the Local Government Act 1993 provides that the tendering provisions under the Act do not apply where there are extenuating circumstances. The lengthy merger proposal period is an exceptional and unprecedented circumstance.

Tendering for telecommunications services is a complex task and the benefits accrue over longer-term contracts. As it is unlikely that a satisfactory, cost-effective result would be achieved by a new tender for a shorter-term contract, it is reasonable not to tender at this time, but to continue with the services of our existing carrier.

A two-year contract with the existing supplier will create significant savings. Telecommunications costs have been funded in the 2017/18 financial year.

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 applicable.

Recommending:

1. **THAT** pursuant to Section 55(3)(i) of the Local Government Act 1993, that Council accept that there are extenuating circumstances and not call for public tenders for the provision of its telecommunication services.
2. **THAT** Council enter into a two-year agreement with its existing telecommunications carrier.

RESOLVED:

1. **THAT** pursuant to Section 55(3)(i) of the Local Government Act 1993, that Council accept that there are extenuating circumstances and not call for public tenders for the provision of its telecommunication services.
2. **THAT** Council enter into a two-year agreement with its existing telecommunications carrier.

300. CoS04: 2017/18 Rating Structure

(This matter was considered en globo. See page 272)

Report of Garry Ross, Manager Financial Services (Responsible Accounting Officer)
The Delivery Program 2017/18 was adopted by Council on 22 May 2017. Within this program, the Revenue Policy was presented with the proposed rating structure for 2017/18.

It is appropriate that the rates in the dollar for the Residential rate be recalculated to take into consideration recent amendments that have been processed prior to 30 June 2017.

The proposed rating structure for 2017/18 is based on an increase of 5.5% in rating income as approved under the special rate variation approval made by IPART in June 2012.

The 5.5% increase includes 1.5% for the General Variation as determined for 2017/18. Rates are Council's primary source of operating income.

Comment by Responsible Accounting Officer:

The proposed 2017/18 rating structure is consistent with the IPART approval.

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 make the following rates for the year 1 July 2017 to 30 June 2018:

- Residential Rate - 0.090541 cents in the dollar \$514.00 minimum
- Business Rate - 0.453948 cents in the dollar \$514.00 minimum
- Infrastructure Levy - 0.004083 cents in the dollar \$22.54 base amount
- Environmental Levy - 0.004496 cents in the dollar \$24.84 base amount
- Crows Nest Special - 0.027816 cents in the dollar \$106.81 base amount
- Neutral Bay Special - 0.047327 cents in the dollar \$129.94 base amount

RESOLVED:

1. **THAT** Council make the following rates for the year 1 July 2017 to 30 June 2018:

- Residential Rate - 0.090541 cents in the dollar \$514.00 minimum
- Business Rate - 0.453948 cents in the dollar \$514.00 minimum
- Infrastructure Levy - 0.004083 cents in the dollar \$22.54 base amount
- Environmental Levy - 0.004496 cents in the dollar \$24.84 base amount
- Crows Nest Special - 0.027816 cents in the dollar \$106.81 base amount
- Neutral Bay Special - 0.047327 cents in the dollar \$129.94 base amount

It was moved by Councillor Bevan, seconded by Councillor Reymond and resolved that Items EPS01, EPS03, EPS04, EPS05, EPS06 and EPS07 be considered en globo.

Voting was as follows:

For/Against 10/0

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

Engineering & Property Services Division

301. EPS01: Council Owned/Leased Properties: Leasing Transactions and other Property Matters

(This matter was considered en globo. See page 275)

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 11 July 2017.

This report also incorporates details relating to the dedication of Russell Street Drainage Reserve. The reserve, known as Lot 18 Section 19 DP 6622 was transferred to Council vide Dealing A217620 on 7 April 1916 in fee simple, however, no title was issued and the land was never formally dedicated as a drainage reserve.

Council would now like to regularise its dedication and to enable Council to achieve this, Council requires to constitute its publication in the Government Gazette and lodge Form 01TD with the Offices of the Land and Property Information.

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 grants approval to proceed with the dedication of Lot 18 Section 19 DP 6622 by constituting its publication in the Government Gazette and lodge Form 01TD with the Offices of the Land and Property Information.
- 3. THAT** Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to implement the proposed leasing transactions and other property matters which are noted in "Attachment A" of this report, under the signature of the Mayor and the General Manager.

RESOLVED:

- 1. THAT** Council notes the leasing transactions, which are detailed in Attachment A of this report.
- 2. THAT** Council grants approval to proceed with the dedication of Lot 18 Section 19 DP 6622 by constituting its publication in the Government Gazette and lodge Form 01TD with the Offices of the Land and Property Information.
- 3. THAT** Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to implement the proposed leasing transactions and other

property matters which are noted in “Attachment A” of this report, under the signature of the Mayor and the General Manager.

302. EPS02: Traffic Committee - Minutes 16 June 2017

(Previously considered – see Minute No. 256)

303. EPS03: Amended Encroachment Management Policy

(This matter was considered en globo. See page 275)

Report of Risha Joseph, Property Officer

This report seeks the approval for the public exhibition of proposed amendments to Council’s Encroachment Management Policy attached.

The purpose of this report and changes to the Encroachment Management Policy is to enable Council to effectively manage encroachments over land that it owns and controls.

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 Amended Encroachment Management Policy be placed on public exhibition for 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council’s consideration. Should Council receive no submissions, Council consider the amended Encroachment Management Policy as adopted at the end of the closing period for submissions.

RESOLVED:

1. THAT the draft Amended Encroachment Management Policy be placed on public exhibition for 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council’s consideration. Should Council receive no submissions, Council consider the amended Encroachment Management Policy as adopted at the end of the closing period for submissions.

304. EPS04: Compulsory Acquisition of 90-92 Willoughby Road, Crows Nest, being Lot 11 Section 4 Deposited Plan 2872

(This matter was considered en globo. See page 275)

Report of Risha Joseph, Property Officer

This report is submitted to satisfy a specific requirement by the Department of Local Government.

Notwithstanding Council’s resolution of 1 May 2017, Minute No. 131 whereby Council resolved to compulsorily acquire Lot 11 Section 4 Deposited Plan 2872 pursuant to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, the Office of Local Government has requested a specific resolution by Council that takes into account Section 19 of the *Land Acquisition (Just Terms Compensation) Act 1991*. It requires the approval of the Governor of New South Wales to enable

Council to declare, by a notice published in the Government Gazette, that the land known as 90-92 Willoughby Road, Crows Nest is acquired by compulsory process. Therefore, to progress the compulsory acquisition of this site, Council is required to consider and adopt the following resolution.

The financial implications were considered and reported on during the initiation phase of this project.

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 request the approval of the Governor of New South Wales to enable Council to declare, by a notice published in the Government Gazette, that the land known as 90-92 Willoughby Road, Crows Nest is acquired by compulsory process.

RESOLVED:

1. THAT Council request the approval of the Governor of New South Wales to enable Council to declare, by a notice published in the Government Gazette, that the land known as 90-92 Willoughby Road, Crows Nest is acquired by compulsory process.

305. EPS05: Submission of Tenders for Seawall Restoration Works – Contract 45/2017

(This matter was considered en globo. See page 275)

Report of Ashraf Doureih, Engineering Project Manager

Tenders were called and were received until 4pm 28 June 2017 for the submission of tenders to seawall restoration works at Sawmiller's Reserve, Milson Park, Primrose Park and Anderson Park.

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 these projects was included in the adopted 2017/18 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 accept the tender of the highest ranked Tenderer for Tender 45/2017 – Seawall Restoration Works.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 45/2017 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*.

RESOLVED:

1. THAT Council accept the tender of Civil Works (NSW) Pty Ltd for Tender 45/2017 – Seawall Restoration Works.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 45/2017 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.

306. EPS06: Submission of Tenders for Blue Street and Miller Street Public Domain Upgrade – Contract 46/2017

(This matter was considered en globo. See page 275)

Report of Ashraf Doureih, Engineering Project Manager

Tenders were called and were received until 4pm 27 June 2017 for the submission of tenders to undertake Blue Street and Miller Street Public Domain 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.

Funding for these projects was included in the adopted 2017/18 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 accept the tender of the highest ranked Tenderer for Separable Portions A, B and C for Tender 46/2017 Blue Street and Miller Street Public Domain Upgrade.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 46/2017 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.*

RESOLVED:

1. THAT Council accept the tender of Regal Innovations Pty Ltd for Tender 46/2017 for Blue Street and Miller Street Public Domain Upgrade for Separable Portions A, B and C.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 46/2017 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.*

307. EPS07: Submission of Tenders for Retaining Wall and Rock Face Stabilisation Works – Contract 47/2017

(This matter was considered en globo. See page 275)

Report of Ashraf Doureih, Engineering Project Manager

Tenders were called and were received until 4pm 4 July 2017 for the submission of tenders for retaining wall and rock face stabilization works at Montpelier Street, Green Street, Bayview Street and Cremorne Road.

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 these projects was included in the adopted 2017/18 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 accept the tender of the highest ranked Tenderer for Tender 47/2017 – Retaining Wall and Rock Face Stabilisation Works.
- 2. THAT** Council hereby authorises its Official Seal to be affixed to Contract 47/2017 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*.

RESOLVED:

- 1. THAT** Council accept the tender of Shamrock Developments International Pty Ltd for Tender 47/2017 – Retaining Wall and Rock Face Stabilisation Works.
- 2. THAT** Council hereby authorises its Official Seal to be affixed to Contract 47/2017 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*.

308. EPS02: Traffic Committee - Minutes 16 June 2017 (Recommitted)

A Motion was moved by Councillor Reymond, seconded by Councillor Beregi,

- 1. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be introduced on both sides of Atchison Street from Oxley Street to Alexander Street, subject to consultation with adjacent properties. (4.2.1)
- 2. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be extended to both sides of Alexander Street (between Albany Street and Chandos Street), both sides of Chandos Street (between Willoughby Road and Alexander Street), subject to consultation with adjacent properties. (4.2.1)
- 3. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat be extended to both sides of Willoughby Road as shown on the attached plan, subject to consultation with adjacent properties. (4.2.1)
- 4. THAT** Council, taking into account the TAPAS criteria, apply to the RMS for the approval to install a pedestrian crossing on Yeo Street between Watson Street and Premier Street. (4.3)
- 5. THAT** the existing refuge island on Ernest Street, west of Anzac Avenue be removed and a new refuge island *east* of Lytton Street be referred to the Traffic Committee under delegated authority to Council's Traffic Engineer. (4.4)
- 6. THAT** Council provide cost estimates to the RMS for the pedestrian refuge on Ernest Street for potential RMS funding. (4.4)
- 7. THAT** the already approved Raised Threshold on Anzac Avenue north of Ernest Street be replaced with a raised Pedestrian/Cycling Crossing under delegated authority to Council's Traffic Engineer and implemented at the expense of Council and the Department of Public Works and be moved to the eastern side, subject to pedestrian volume data being provided to the RMS and no objection being received from the RMS. (4.4)

- 8. THAT** slip lane in Anzac Avenue at Ernest Street be closed off to accommodate a wider path and to improve access and reduce crossing distance, subject to detailed designs being provided to RMS and no objection being received from the RMS. (4.4)
- 9. THAT** Council's Traffic Engineers engage in discussions with the RMS about setting an appropriate speed environment for Ernest Street given the proximity to Anzac Park Public School, speed data and crash history. (4.4)
- 10. THAT** the speed limit on Ernest Street be added as a Standing Item on future Traffic Committee agendas. (4.4)
- 11. THAT** Council raise no objection to the temporary closure in Cliff St, Milsons Point between 07:00am to 5:00pm for 10 days from Monday 10 to Friday 14 July and Monday 17 to Friday 21 July 2017, for the purposes of standing an excavator as per the submitted application and subject to Council's standard road closure conditions. Approval is subject to managed access to all affected properties and the applicant notifying all affected residents/tenants as per Council's standard conditions of approval.
- 12. THAT** priority be given to traffic entering Cliff Street from Alfred Street South and Lavender Street. (7.1)
- 13. THAT** should Council receive an application for an alternative date to carry out these works due to inclement weather or operational delays, that application be approved, subject to Police Permit approval. (7.1)
- 14. THAT** the information regarding Delegated Authority items be received. (4.1)
- 15. THAT** the information on Car Share membership and usage be received. (4.3)
- 16. THAT** the recommendations relating to the installation of new car share spaces be adopted. (4.3)
- 17. THAT** the information concerning the Abandoned Vehicles Processed Report be received. (5.1)
- 18. THAT** the information concerning the Unattended Boat Trailers Processed Report be received. (5.2)
- 19. THAT** the information concerning Sydney Metro City and South-West Construction Update be received. (5.3)

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

- 1. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be introduced on both sides of Atchison Street from Oxley Street to Alexander Street, subject to consultation with adjacent properties. (4.2.1)
- 2. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat Permit Holders Excepted Area 19 be extended to both sides of Alexander Street (between Albany Street and Chandos Street), both sides of Chandos Street (between Willoughby Road and Alexander Street), subject to consultation with adjacent properties. (4.2.1)
- 3. THAT** 2 Hour Meter 8.30am-6pm Mon-Fri 8.30am-12.30pm Sat be extended to both sides of Willoughby Road as shown on the attached plan, subject to consultation with adjacent properties. (4.2.1)

4. **THAT** Council, taking into account the TAPAS criteria, apply to the RMS for the approval to install a pedestrian crossing on Yeo Street between Watson Street and Premier Street. (4.3)
5. **THAT** the existing refuge island on Ernest Street, west of Anzac Avenue be removed and a new refuge island *east* of Lytton Street be referred to the Traffic Committee under delegated authority to Council's Traffic Engineer. (4.4)
6. **THAT** Council provide cost estimates to the RMS for the pedestrian refuge on Ernest Street for potential RMS funding. (4.4)
7. **THAT** the already approved Raised Threshold on Anzac Avenue north of Ernest Street be replaced with a raised Pedestrian/Cycling Crossing under delegated authority to Council's Traffic Engineer and implemented at the expense of Council and the Department of Public Works and be moved to the eastern side, subject to pedestrian volume data being provided to the RMS and no objection being received from the RMS. (4.4)
8. **THAT** slip lane in Anzac Avenue at Ernest Street be closed off to accommodate a wider path and to improve access and reduce crossing distance, subject to detailed designs being provided to RMS and no objection being received from the RMS. (4.4)
9. **THAT** Council's Traffic Engineers engage in discussions with the RMS about setting an appropriate speed environment for Ernest Street given the proximity to Anzac Park Public School, speed data and crash history. (4.4)
10. **THAT** the speed limit on Ernest Street be added as a Standing Item on future Traffic Committee agendas. (4.4)
11. **THAT** Council raise no objection to the temporary closure in Cliff St, Milsons Point between 07:00am to 5:00pm for 10 days from Monday 10 to Friday 14 July and Monday 17 to Friday 21 July 2017, for the purposes of standing an excavator as per the submitted application and subject to Council's standard road closure conditions. Approval is subject to managed access to all affected properties and the applicant notifying all affected residents/tenants as per Council's standard conditions of approval.
12. **THAT** priority be given to traffic entering Cliff Street from Alfred Street South and Lavender Street. (7.1)
13. **THAT** should Council receive an application for an alternative date to carry out these works due to inclement weather or operational delays, that application be approved, subject to Police Permit approval. (7.1)
14. **THAT** the information regarding Delegated Authority items be received. (4.1)
15. **THAT** the information on Car Share membership and usage be received. (4.3)
16. **THAT** the recommendations relating to the installation of new car share spaces be adopted. (4.3)
17. **THAT** the information concerning the Abandoned Vehicles Processed Report be received. (5.1)
18. **THAT** the information concerning the Unattended Boat Trailers Processed Report be received. (5.2)
19. **THAT** the information concerning Sydney Metro City and South-West Construction Update be received. (5.3)

Open Space & Environmental Services Division

309. OSE01: Council Response to Transport for NSW Regarding Street Tree Removal for B-Line

(Previously considered – see Minute No. 257)

310. **OSE02: Draft Public School Use of North Sydney Oval Policy**

Report of Robert Emerson, Director Open Space and Environmental Services

This report seeks the approval of Council to place the draft Public School use of North Sydney Oval Policy on public exhibition.

Council at its meeting on 18/07/2016 resolved (Minute No.254):

THAT a report be submitted regarding the development of policy on Public Schools located in the North Sydney Local Government area each being allowed the use of North Sydney Oval on one occasion per calendar year free of hiring fees and subject only to associated security and cleaning costs.

This report has been prepared in response to the resolution.

There are seven public schools within the North Sydney Local Government Area and therefore the potential reduction in revenue though the implementation of the proposed policy is considered minimal.

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 Public School Use of North Sydney Oval Policy be placed on public exhibition for a minimum of 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Public School Use of North Sydney Oval Policy as adopted at the end of the closing period for submissions.

The Motion was moved by Councillor Morris and seconded by Councillor Baker,

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT the draft Public School Use of North Sydney Oval Policy be placed on public exhibition for a minimum of 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Public School Use of North Sydney Oval Policy as adopted at the end of the closing period for submissions.

311. **OSE03: Website for Wendy Whiteley's Secret Garden**

Report of Robert Emerson, Director Open Space & Environmental Services

At the Council meeting on 26 June 2017 a Mayoral Minute was received endorsing a request from the 'The Sydney Harbour High Line Association' for Council to provide a contribution to both the establishment cost of developing the designated Wendy's

Secret Garden website and the ongoing maintenance of hosting of the site that promotes the garden.

At the Council meeting it was resolved:

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.

This report identifies the costs provided for the establishment of the website and annual maintenance/hosting fees and recommends that Council makes a financial contribution. Funding is appropriate and available.

The additional funding required can be funded from the Capital Works Reserve.

Recommending:

1. THAT Council allocate \$10,000 for the establishment costs of the website for Wendy's Secret Garden upon receiving a receipt for works undertaken by the website designer.

2. THAT Council consider allocating \$2,000 for the annual hosting fee through the Wendy Whiteley Secret Garden Charitable Trust on its establishment.

A Motion was moved by Councillor Clare and seconded by Councillor Carr,

1. THAT Council refer this matter to the next term of Council for a report on the costs associated with this request and potential liability to Council in relation to content, data collection, compliance and privacy issues.

An Amendment was moved by Councillor Gibson, seconded by Councillor Bevan,

1. THAT Council allocate \$10,000 for the establishment costs of the website for Wendy's Secret Garden upon receiving a receipt for works undertaken by the website designer.

2. THAT Council consider allocating \$2,000 for the annual hosting fee through the Wendy Whiteley Secret Garden Charitable Trust on its establishment.

The Amendment was put and lost.

Voting was as follows:

For/Against 2/8

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

The Motion was put and carried.

Voting was as follows:

For/Against 8/2

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

RESOLVED:

1. THAT Council refer this matter to the next term of Council for a report on the costs associated with this request and potential liability to Council in relation to content, data collection, compliance and privacy issues.

It was moved by Councillor Beregi, seconded by Councillor Clare and resolved that Items OSE04, OSE05, OSE06, OSE07, OSE08, OSE09 and OSE10 be considered en globo.

Voting was as follows:

For/Against 10/0

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

312. **OSE04: Temporary Recreation Equipment and Activities for Older Children**

(This matter was considered en globo. See page 284)

Report of Melissa McManus, Landscape Technical Officer

In response to Notice of Motion by Councillor Baker, Council resolved at its meeting on 24 October 2016:

- 1. THAT** Council develop and undertake a project to activate neglected public open space and public domain spaces to address active recreation for older children (9-16 year olds) by creating a rotating placement programme of temporary recreation equipment and activities in such spaces.
- 2. THAT** the project include basketball hoops, temporary half pipe skate boarding equipment, guerrilla swings, ping pong tables and the like and that an app or online mapping guide of the changing locations of the activation programme be developed.
- 3. THAT** the project include advice and input from Council's Events division.

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 report regarding Temporary Recreation Equipment and Activities for Older Children be received.
- 2. THAT** Council considers allocating funding for this initiative in the 2018/19 financial year.

RESOLVED:

- 1. THAT** the report regarding Temporary Recreation Equipment and Activities for Older Children be received.
- 2. THAT** Council considers allocating funding for this initiative in the 2018/19 financial year.

313. **OSE05: Extension of Waste and Recycling Collection Services Contract 9/2010**

(This matter was considered en globo. See page 284)

Report of Bo Karaula, Waste Management Coordinator

Contract Number 9/2010 for the Collection of Waste and Recycling and the Provision of Call Centre Services commenced 1 July 2010 and is due to expire on 30 June 2018. Under the terms of the contract, North Sydney Council may elect to extend the term for a further twelve (12) months; An extension, if exercised, would be based on the same terms and conditions of the existing collection services contract, including tendered rates which would be adjusted in accordance with the contract's Rise and Fall provisions as they relate to the CPI. North Sydney Council is required to provide at least six (6) months written notice prior to the contract term's expiry date of its intention to extend. Contractor, United Resource Management Environmental Services Pty Ltd (URM) are required to reply within one (1) month of receiving the extension notice whether it elects to carry out the extension.

This report outlines why North Sydney Council would benefit from exercising the extension option.

The twelve (12) month extension for the Waste and Recycling Collection Services contract will continue at the contracted rates subject to the annual rise and fall provisions for the CPI.

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 resolves to enter into an extension of Contract Number 9/2010 for the Collection of Waste and Recycling and the Provision of Call Centre Services with United Resource Management Environmental Services Pty Ltd for a further twelve (12) months to 30 June 2019 in accordance with the terms and conditions specified in the contract.

2. THAT the General Manager be delegated the authority to negotiate and sign the contract extension agreement with United Resource Management Environmental Services Pty Ltd for twelve (12) months to 30 June 2019, consistent with the terms and conditions specified in the contract.

RESOLVED:

1. THAT Council resolves to enter into an extension of Contract Number 9/2010 for the Collection of Waste and Recycling and the Provision of Call Centre Services with United Resource Management Environmental Services Pty Ltd for a further twelve (12) months to 30 June 2019 in accordance with the terms and conditions specified in the contract.

2. THAT the General Manager be delegated the authority to negotiate and sign the contract extension agreement with United Resource Management Environmental Services Pty Ltd for twelve (12) months to 30 June 2019, consistent with the terms and conditions specified in the contract.

314. OSE06: Extension of Waste Disposal Contract 21/2006

(This matter was considered en globo. See page 284)

Report of Bo Karaula Waste Management Coordinator

Contract for Disposal of Waste Materials 21/2006 with SITA concludes on 1 January 2018 with no further extension options available under the provisions of the contract. Council resolved on 15 September 2014 (Min No. 3654) to take up the final option to extend the term of the contract for a further period of three years to 1 January 2018.

The purpose of this report is to seek Council's resolution to apply a variation to Contract 21/2006 to extend the term for a further period of one (1) year and six (6) months concluding on the 30 June 2019 in line with the expiry of the Waste Collection Contract held with URM. In order to optimise the value of a new collection service contract, it is essential that a disposal point be nominated. This can only be done after Council tenders and awards a new disposal contract.

A further consideration is the proposed Council mergers. Whilst no further decision has been made by the State Government with respect to this, until more is known, Council would have to continue with its current disposal service provision.

Such action would allow Council to continue the current processing and disposal arrangements and be in an informed position in a period where a number of challenges are facing this and other Councils. This extension period would also allow Council a reasonable timeframe in which to call for tenders for a new disposal and processing contract. Additionally, a further period of one and a half years will enable Council to meet the State waste diversion target of 70% by the year 2021.

Preliminary discussions with SITA indicated an increase of 4% to the waste disposal costs. This is the basis on which Council's 2017/18 disposal budget was prepared. As a result, the extension of Contract 21/2006 will have minimal financial impact.

The financial implications include a 4% increase to the disposal costs. The associated costs will be covered by the 2017/18 DWM budget.

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** SITA Australia Pty Ltd be invited to apply a variation to Disposal Contract No. 21/2006 and extend the contract term for a further one (1) year and six months to 30 June 2019, consistent with the existing terms and conditions.
- 2. THAT** the General Manager be delegated the authority to negotiate and sign contract extension agreements with SITA for one (1) year and six (6) months until 30 June 2019, consistent with the existing terms and conditions.
- 3. THAT** Council hereby authorises its Official Seal to be affixed to the Deed of Variation under signature of the Mayor and the General Manager.

RESOLVED:

- 1. THAT** SITA Australia Pty Ltd be invited to apply a variation to Disposal Contract No. 21/2006 and extend the contract term for a further one (1) year and six months to 30 June 2019, consistent with the existing terms and conditions.
- 2. THAT** the General Manager be delegated the authority to negotiate and sign contract extension agreements with SITA for one (1) year and six (6) months until 30 June 2019, consistent with the existing terms and conditions.
- 3. THAT** Council hereby authorises its Official Seal to be affixed to the Deed of Variation under signature of the Mayor and the General Manager.

315. OSE07: Coal Loader Platform - Adaptive Reuse Greenroof Project Contract 24/2016 - Funding

(This matter was considered en globo. See page 284)

Report of David Banbury, Landscape Architect / Project Manager

Due to a number of factors including unforeseen site conditions and the need to adjust design and structural provisions accordingly, there have been a number of additional

costs for construction variations and time delays on this project, resulting in an increase to the Contract Sum beyond the available contingency. Additional funds are required to make up the shortfall between current budget and adjusted contract sum.

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.

Additional funding will be required to deliver the works. The related financial implications have been separately provided to Councillors.

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

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

Recommending:

1. THAT Council resolve to fund the shortfall between the current budget and the adjusted contract sum for the Coal Loader Platform – Adaptive Reuse Greenroof Project Contract 24/2016.

RESOLVED:

1. THAT Council resolve to fund the additional \$655,000 required to cover cost variations to date on the Coal Loader Platform Contract 24/2016 construction project.

316. OSE08: Duncan Thompson Stand Internal Refurbishment - Contract 33/2017

(This matter was considered en globo. See page 284)

Report of Alicja Batorowicz, Landscape Projects Coordinator

The successful tenderer for Duncan Thompson Stand Internal Upgrade of the player facilities -Contract 33/2017 took possession of the site on 16 May 2017. During the early stages of the project it became evident that it would benefit Council to deliver a portion of works scoped as part of Duncan Thompson Stand External structural remediation works that are funded and scheduled to occur later in the financial year.

Funding is available.

Funding has been allocated for the Duncan Thompson Stand External structural remediation works.

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 approves the variation of Contract 33/2017 to include works associated with the upgrade of the breezeway at the Duncan Thompson Stand.

RESOLVED:

1. THAT Council approves the variation of Contract 33/2017 to include works associated with the upgrade of the breezeway at the Duncan Thompson Stand.

317. OSE09: North Sydney Olympic Pool Vinyl Liner Replacement – Tender No 42/2017

(This matter was considered en globo. See page 284)

Report of Norman Boyle, Manager North Sydney Olympic Pool

The existing Vinyl Liner was installed in the 50m pool tank 9 years ago. The deterioration in the Liner fabric and welding indicates it is nearing the end of its serviceable life. The anticipated life expectancy of the liner was 10 years when installed.

Tenders were called and received until 4.00pm Tuesday 30 May 2017 for the submission of tenders to undertake the works to replace the North Sydney Olympic Pool Vinyl Liner.

No Tenders were received.

Council will need to carry out some remedial repair works to the existing Liner in the interim and re-tender the for the complete Liner replacement, to occur during the 2018 winter season.

Funding for this project has been allocated in the 2018/19 financial year.

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

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

Recommending:

1. **THAT** Council resolve to re-tender the North Sydney Olympic Pool Vinyl Liner Replacement.

2. **THAT** the interim repair works to the existing liner and associated pool closure be noted.

RESOLVED:

1. **THAT** Council resolve to re-tender the North Sydney Olympic Pool Vinyl Liner Replacement.

2. **THAT** the interim repair works to the existing liner and associated pool closure be noted.

318. OSE10: NSW Biosecurity Act 2015 – Appointment of Authorised Officers

(This matter was considered en globo. See page 284)

Report of Melanie Hamilton, Tree Preservation Officer

The NSW Biosecurity Act 2015 (the Act) commenced on 1 July 2017. Under the Act the Local Control Authority (LCA) needs to appoint by resolution authorised officers or delegate authority to the General Manager to appoint authorised officers.

Nil.

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 delegate authority to the General Manager to appoint authorised officers under the Biosecurity Act 2015.

RESOLVED:

1. **THAT** Council delegate authority to the General Manager to appoint authorised officers under the Biosecurity Act 2015.

PETITIONS

319. P01: Former HMAS Platypus Site

(Previously considered – see Minute No. 258)

CORRESPONDENCE

320. C01: Sydney Coastal Councils Group

Council has received the Minutes of the 24 June 2017 Ordinary meeting of the Sydney Coastal Councils Group, which are submitted to Council for information.

A Motion was moved by Councillor Marchandau, seconded by Councillor Barbour,

1. THAT the Minutes of the 24 June 2017 Ordinary meeting of the Sydney Coastal Councils Group be received.

The Motion was put and carried.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1. THAT the Minutes of the 24 June 2017 Ordinary meeting of the Sydney Coastal Councils Group be received.

321. Matter of Urgency – Disabled Access Sydney Harbour Bridge

Councillor Baker requested urgency to consider a motion in respect of this matter.

The Mayor permitted urgency.

A Motion was moved by Councillor Baker, seconded by Councillor Morris,

1.THAT Council urgently write to the Minister for Roads and our Local Member seeking that the Government urgently reinstate the disabled access (lift project) to the Sydney Harbour Bridge.

Voting was as follows:

For/Against 10/0

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

RESOLVED:

1.THAT Council urgently write to the Minister for Roads and our Local Member seeking that the Government urgently reinstate the disabled access (lift project) to the Sydney Harbour Bridge.

322. Vote of Thanks

The Mayor asked that Standing Orders be suspended to recognise the retirement of Councillor Veronique Marchandean after 18 years of service as she does not intend to stand at the next election.

The Mayor presented Councillor Marchandean with a bouquet of flowers.

The Mayor also asked that Councillors thank the Temporary Advisor, Mr Brian Petschler, who has attended a number of Council meetings and provided advice.

The Meeting concluded at 10.57pm.

CHAIRPERSON

A/GENERAL MANAGER