



Council Chambers
26 October 2017

The **3696th MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.00pm** on Monday, 30 October 2017. The agenda is as follows.

ADRIAN PANUCCIO
A/GENERAL MANAGER

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

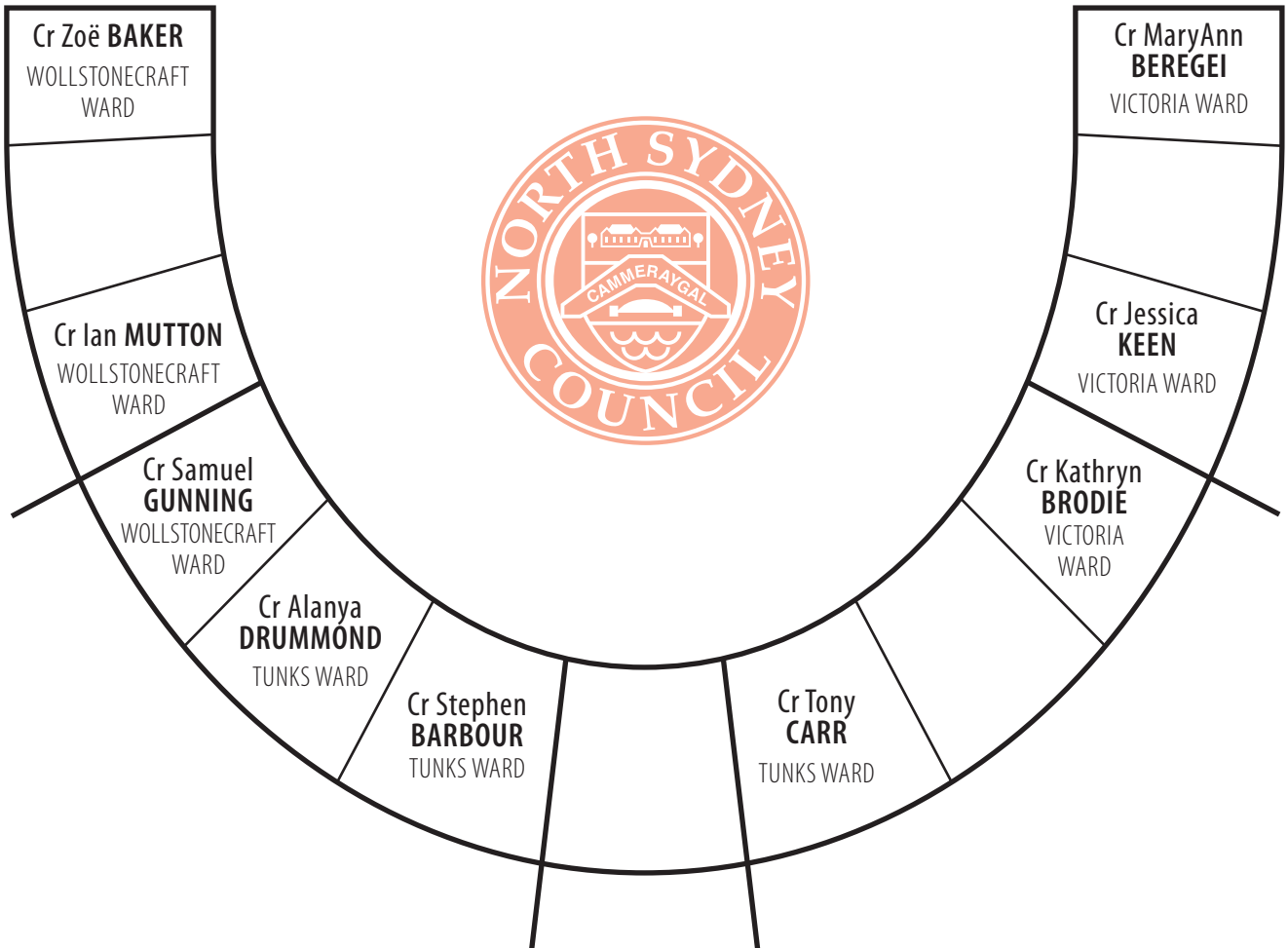
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**
 - **MINUTES OF THE MAYOR**
 - **MATTERS BROUGHT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

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



COUNCIL OFFICERS

DIRECTOR Open Space & Environmental Services Mr Robert EMERSON	DIRECTOR Community & Library Services Mr Martin ELLIS	DIRECTOR Engineering & Property Services Mr Duncan MITCHELL	DIRECTOR City Strategy Mr Joseph HILL	MANAGERS	A/CHIEF OPERATING OFFICER Mr Ross McCREANOR
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PUBLIC GALLERY



Explanatory Notes for Members of the Public Attending Meetings

1. Council meetings comprise the full membership of the Council with a quorum of six Councillors. Ordinary Council meetings consider reports from all Divisions of Council.
2. The Chairperson shall be the Mayor or, in her absence, the Deputy Mayor.
3. Reports are published on Council's website (www.northsydney.nsw.gov.au) by close of business on the **Thursday** before the meeting or printed copies may be viewed at Stanton Library or the Council Chambers.
4. Members of the public wishing to address Council or have an item brought forward may register by telephoning the Council (9936 8100) by 5.00pm on the day of the meeting or by speaking to the officer who is present in the foyer outside the Council Chamber from 6.40pm to 6.55pm.
5. As the Chairperson calls the brought forward items on the Agenda, speakers are invited to take their place at the foot of the Councillors' table. When you are called to speak, you must identify yourself by name and address or professional status. When you have made your address, the Council may wish to ask questions of you, after which you should resume your seat in the Gallery.
6. The following points should be noted by members of the public wishing to address Council:
 - Addresses must relate to an item on the Agenda.
 - Addresses should be limited to three (3) minutes.
 - Addresses should be made to "Mayor and Councillors".
 - If you have previously addressed the Council on the subject then any further address must be made to present new information **ONLY**.
 - Groups, or persons wishing to present similar points of view, should nominate a spokesperson and not address the Council individually.
 - All questions and comments are to be addressed through the Chairperson.
 - Having made your address and answered any questions put to you by the Councillors, you may take no further part in the debate.
 - No written submissions or documentation may be presented to the meeting without a resolution of Council.
 - Members of the public are asked not to make insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).
7. When all representations have been heard, the Chairperson will ask for a motion to determine the matter.

COUNCIL MEETINGS



Explanatory Notes for Members of the Public Attending Meetings

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

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

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

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

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

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

TO: The Mayor, Jilly Gibson, in the Chair, and Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton.

SUBJECT: 3696th MEETING OF COUNCIL TO BE HELD ON MONDAY, 30 OCTOBER 2017

THAT THE MINUTES of the previous Council Meetings held on Monday, 24 July 2017, 9 October 2017 and 17 October 2017 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

1. MM01: RE: General Manager's Selection Panel

For the past 18 months, the role of General Manager has been filled on an acting basis as we were in an amalgamation proposal period and not permitted by the NSW Government to recruit to fill the position. With amalgamations now off the table and a new Council elected, we are in a position to proceed with the recruitment of a permanent General Manager.

The process for recruitment is outlined in Guidelines for the Appointment and Oversight of General Managers, which have been issued by the Office of Local Government pursuant to section 23A of the Local Government Act 1993. A copy of this document was provided to all Councillors on Thursday 19 October 2017.

The Guidelines state:

“The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process. The panel will report back to the governing body of council on the process and recommend the most meritorious applicant for appointment by the council. The selection panel should consist of at least the mayor, the deputy mayor, another councillor and, ideally, a suitably qualified person independent of the council. The selection panel membership should remain the same throughout the entire recruitment process. Selection panels must have at least one male and one female member (other than in exceptional circumstances).”

The document also states that:

“The Council’s governing body should delegate to one person (generally the Mayor) the task of ensuring:

- The selection panel is established*
- The General Manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position*
- The proposed salary range reflects the responsibilities and duties of the position*
- The position is advertised according to the requirements of the Act*
- Information packages are prepared*
- Applicants selected for interview are notified*

The Mayor, or another person independent of Council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.”

The independent person can be recruitment consultants and I would recommend that recruitment consultants be appointed to assist with and facilitate this process. The selection panel will work with the recruitment consultant to review the position description, advertise, short list and interview candidates. The panel will report back to the Council with the name of the preferred applicant/s.

It is therefore recommended –

1.THAT Council begin the recruitment process for a permanent General Manager with regard to the Guidelines for the Appointment and Oversight of General Managers.

2.THAT Council delegate the selection process to the Mayor and Deputy Mayor.

3.THAT Council nominates two Councillors to sit on the General Manager’s Selection Panel with the Mayor and Deputy Mayor.

4.THAT the Panel select an external recruitment company to assist with the recruitment process.

5.THAT the Mayor and Deputy Mayor provide councillors with updates on the process via confidential memos.

2. **MM02: RE: Membership of Local Government NSW**

At its meeting of 24 October 2016, Council resolved to withdraw from Local Government NSW, the peak body that represents NSW Councils in discussions with the State and Federal Governments. As well as developing policy positions and providing a combined industry voice, LGNSW provides a range of services for its members.

The resolution of 24 October 2016 was:

1. *THAT Council resign from financial membership of LGNSW with immediate effect and that a refund of subscription fees paid this year be requested.*
2. *THAT Council authorise the General Manager to seek other options in conjunction with other councils and ROCs to provide industrial and related services as required.*
3. *THAT Council establish a peak body organisation to represent councils and engage in robust and rigorous advocacy and policy leadership on local government issues and reform.*
4. *THAT Council allocate funding towards lobbying and advocacy including the establishment of such an organisation and provide an officer with detailed knowledge and experience of the local government sector and LGNSW to this project for a minimum 2 year period.*
5. *THAT Council nominate a steering group for the establishment of the new organisation of the General Manager and two Councillors.*

Until our withdrawal last year, North Sydney Council had been a long-term member of the Association; the previous Mayor, Genia McCaffery, served as its President for several years. Membership gave Councillors the opportunity to network with other Councillors at the annual conference and ensured North Sydney's voice was heard in the myriad of issues that were voted on at each conference.

I understand that the staff also gain many benefits from membership including updates on legislative changes that affect Council and membership of information sharing networks that they can access on a day to day basis. These networks allow staff to understand best-practice within the industry and provide them with reference points when needed.

With the withdrawal of the amalgamation proposals, I do not believe there is any benefit for Councillors or staff in remaining isolated from our colleagues in this new term of Council. It should be noted we are currently the only NSW Council that is not a member.

I therefore recommend:

- 1. THAT** Council immediately take appropriate action to rejoin Local Government NSW.
 - 2. THAT** Councillors indicate their interest in attending this year's conference to be held at the Hyatt Regency, Sydney from December 4 to 6.
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**RESCISSION MOTIONS OF WHICH
DUE NOTICE HAS BEEN GIVEN**

**3. NoRM01: Notice of Rescission No 3/17 By Councillors Beregi,
Baker and Carr**

THAT the decision of Council at its meeting of 9 October 2017 regarding
MM01: Council Suppers:

*1. THAT light refreshments be provided at the start of Council and Committee
meetings as soon as possible and that non-alcoholic beverages also be
provided.*

be rescinded.

REPORTS

General Manager's Office

4. **GMO01: Matters Outstanding**

Report of Adrian Panuccio, Acting General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 9 October 2017 is presented.

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

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

Recommending:

1. **THAT** the report be received.
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City Strategy Division

5. **CiS01: Development Application Briefing Report, DA214/17 - 149 West Street, Crows Nest - TAFE to High School Conversion and Refurbishment**

Report of Kim Rothe, Acting Executive Planner

This development application seeks a change of use from Crows Nest TAFE to Cammeraygal High School Senior Campus, refurbishment of existing building, construction of multi-purpose hall, outdoor covered area, cut and fill, ESD upgrades with solar panels, removal of 60 car spaces and new security fencing. As Council is not the consent authority for the subject application, this report has been prepared to provide Councillors with information on the subject application.

As per the attached following report, assessment of this application has revealed that traffic, parking and the impacts on immediately adjoining residential property caused by the proposed multi-purpose hall and outdoor spaces are the major determinative issues. After-hours use for community purposes is a matter for the school community and Principal after the completion of the school. Given the dense residential setting of the site any after-hours use will need to be carefully managed to minimise adverse impacts.

The Department of Education has confirmed that it wishes this proposal be determined as submitted. This does not rule out a modification to the proposal at a later date.

Councillors may make a submission (collectively or independently) on the proposal prior to its determination by the Sydney North Planning Panel (SNPP) on 8 November 2017. The full assessment report prepared for the SNPP will be publicly available on the SNPP webpage prior to the determination meeting date.

Nil.

Recommending:

1. THAT Council note the proposed development application and resolve whether to prepare a submission to the Sydney North Planning Panel prior to its determination of the application.

6. **CiS02: Potential Heritage Protection - 3 Parker Street, McMahons Point**

Report of Ben Boyd, Executive Strategic Planner

On July 2017, Council received a development application (DA 257/17) for the demolition of an existing 2-storey residential flat building containing 4 apartments at 3 Parker Street, McMahons Point and construction of a 4-storey residential flat building containing 7 apartments and basement parking.

The property comprises a neutral item within the McMahons Point South Heritage Conservation Area under North Sydney Local Environmental Plan 2013 (NSLEP 2013). During the assessment of the DA, Council's conservation planner had no capacity to undertake an assessment of the development

application. Therefore, it was referred to an independent heritage consultant (Robert Moore) for assessment on behalf of Council.

Through their assessment of the DA, the heritage consultant has identified that the subject property has the potential to be listed as a local heritage item. This heritage assessment and the information contained within remains confidential and subject to a claim of privilege.

As the property is located within a heritage conservation area under NSLEP 2013, Council is not in a position to impose an Interim Heritage Order (IHO) to grant temporary protection to the property. This would enable a more comprehensive heritage assessment to be undertaken before determining whether the property should be listed as a heritage item or not.

Whilst Council could resolve to prepare an amendment to NSLEP 2013, there is still a potential that the heritage significance of the property could be diminished through works permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. To ensure that the potential heritage significance of the property is not diminished, it is recommended that Council resolves to request the Minister for Heritage to impose an IHO over the property to enable Council to undertake the appropriate comprehensive research to determine whether the property should be heritage listed or not.

Should an IHO be imposed by the Minister, there will be costs associated with the preparation of a comprehensive heritage assessment and preparation and processing of a planning proposal.

Recommending:

1. THAT Council request the Minister for Heritage impose an Interim Heritage Order over 3 Parker Street, McMahons Point, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

7. CiS03: Planning Proposal 3/17 – 24 Cranbrook Avenue, Cremorne – Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner

On 24 July 2017, Council resolved to forward a Planning Proposal (3/17) to the Department of Planning and Environment to identify 24 Cranbrook Avenue, Cremorne as a heritage item under North Sydney Local Environmental Plan 2013 (NSLEP 2013). In particular, the proposed amendment seeks to include a new item within Schedule 5 – Environmental Heritage and identify the subject site as a general heritage item on the Heritage Map to NSLEP 2013. On 29 August 2017, the Minister for Planning issued a Gateway Determination permitting the Planning Proposal to be placed on public exhibition.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 14 days from Thursday 14 September 2017 to Wednesday 27 September 2017. However, due to an administrative error, the Planning Proposal was re-exhibited for a further period of 14 days from Thursday 5 October 2017 to Wednesday 18 October 2017.

A total of 41 submissions were received during the first exhibition period, 36 of which were in support of listing the property as a heritage item under NSLEP

2013 and three (3), including two from the same person, objecting to the proposed listing. A further 4 submissions were received during the second exhibition period, all of which are in support of listing the property as a heritage item.

The issues raised in the submissions to both exhibition periods do not warrant an amendment to the Planning Proposal.

It is therefore recommended that Council resolves to forward the Planning Proposal, unamended, to Parliamentary Counsel with a request that the Planning Proposal be made.

It should be noted that the Interim Heritage Order that currently applies to the site, will expire on 28 February 2018.

Nil.

Recommending:

1. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (Attachment 2) to Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with Section 59 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

8. CiS04: Post Gazettal Report – NSLEP 2013 Amendment No.17 (Special Events)

Report of Katerina Papas, Strategic Planner

North Sydney Council has a rich history of conducting and facilitating events on public land. Events have the capacity to contribute to the social, cultural, intellectual and physical wellbeing of local and wider communities. Council's regulatory framework has at times, however, created difficulties for parties including Council, wishing to conduct events.

In this context, Council considered a report on 19 October 2015 regarding a proposed change to the regulatory approach to conducting and facilitating events on public land. At its meeting Council endorsed a draft Planning Proposal to amend North Sydney Local Environmental Plan 2013 by inserting a new provision under *Schedule 2 – Exempt Development* to identify Special events (including markets) as a form of 'exempt development.' It also resolved to forward the Planning Proposal to the Minister for Planning to obtain a Gateway Determination.

On 20 April 2016, the Minister for Planning issued a Gateway Determination enabling the Planning Proposal to proceed to public exhibition for a minimum of 28 days. The public exhibition took place from Thursday 1 September 2016 to Wednesday 28 September 2016.

On 24 October 2016, Council considered a post exhibition report regarding the submissions received during the public exhibition. From this, Council resolved to adopt the Planning Proposal unamended and proceed with the making of a Local Environmental Plan to give effect to the Planning Proposal.

The Planning Proposal was forwarded to the Department of Planning and Environment on 9 November 2016, with a request that the plan be formally made.

NSLEP 2013 (Amendment No. 17) gives effect to the Planning Proposal and is now in force following its publication on the NSW legislation website on 22 September 2017.

This report is for the information of Councillors.

Nil.

Recommending:

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

9. **CiS05: Post Gazettal Report – NSLEP 2013 Amendment No.21 (1-11 Cowdroy Avenue and 22 Stratford Street, Cammeray) and Draft Amendment for NSDCP 2013**

Report of Vera Xia, Student Strategic Planner

At its meeting on 21 September 2015, Council considered a Planning Proposal which sought an amendment to North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 11 Cowdroy Avenue, Cammeray. In particular, the Planning Proposal sought to amend NSLEP 2013 to permit a second dwelling in the form of a ‘dual occupancy (detached)’. Council resolved not to proceed with this Planning Proposal.

Following a Pre-Gateway Review process, the Minister for Planning issued a Gateway Determination on 30 November 2016 enabling the Planning Proposal to proceed to public exhibition subject to conditions, contrary to Council’s adopted position.

The Planning Proposal was placed on public exhibition for a period of 28 days from Thursday 23 February 2017 to Wednesday 22 March 2017. In addition, a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 was exhibited concurrently with the Planning Proposal in accordance with a Council resolution of 24 October 2016.

On 1 May 2017, Council considered a post exhibition report in relation to the Planning Proposal that addressed the submissions received during the public exhibition. Council resolved to request the Minister for Planning not to proceed with the Planning Proposal pursuant to s.58(4) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

On 24 July 2017, the Department of Planning and Environment (DPE) advised Council that NSLEP 2013 (Amendment No.21) has been made under section 59(2) of the EP&A Act giving effect to the Planning Proposal, which is contrary to Council’s adopted position. NSLEP 2013 (Amendment No.21), is now in force following its publication on the NSW legislation website on 28 July 2017. As Amendment No.21 has been made, giving effect to the Planning Proposal, it is now recommended to adopt the amendments made to NSDCP 2013 to provide additional guidance with regard to the redevelopment of the site.

Nil.

Recommending:

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

2. **THAT** Council write to the Minister for Planning outlining its disappointment with the outcome of the final determination of the Planning Proposal and the implications for strategic planning and transparency that will result.

3. **THAT** Council adopt the draft NSDCP 2013 amendment following Attachment 2 to this report that was concurrently exhibited with the Planning Proposal.

4. **THAT** Council notify its endorsement of the DCP amendment in accordance with the Environmental Planning & Assessment Act and Regulations.

10. **CiS06: Draft Undergrounding Master Plan & Draft amendment to NSDCP 2013 –Undergrounding of Overhead Cables – Post Exhibition Report**

Report of Vera Xia, Student Strategic Planner

On 20 March 2017, North Sydney Council resolved to endorse the draft Undergrounding Master Plan, and place an associated draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition.

The purpose of the draft DCP amendment is to facilitate better outcomes concerning the undergrounding of overhead cables within specific areas within the North Sydney Local Government Area, as identified in the Undergrounding Master Plan. It is proposed to achieve this purpose by amending Sections 2.4.10 and 2.7.1 to Part B of NSDCP 2013 to:

- include references to Council’s Undergrounding Master Plan;
- introduce ancillary amendments to support the Undergrounding Master Plan; and
- make provision for undergrounding of overhead infrastructure in association with significant new development within areas identified in the Undergrounding Master Plan

The draft Master Plan and amendment to NSDCP 2013 were initially placed on public exhibition, from Thursday 18 May 2017 to Wednesday 7 June 2017. However, due to an administrative issue, the draft Master Plan and amendment to NSDCP 2013 were re-exhibited from Thursday 22 June 2017 to Wednesday 19 July 2017.

Council received a total of four (4) submissions during the exhibition period, raising the following issues:

- general support for undergrounding overhead cables;
- requests to include the entirety of Lavender Street on the Undergrounding Master Plan Map;
- concern for tree protection during the physical digging process;
- issues on survey accuracy of underground infrastructure and cadastral information; and
- ability for residents to contribute to undergrounding in their local area to achieve “economies of scale”.

As a result of the submissions made, it is recommended the draft Undergrounding Master Plan be amended, the draft amendment to NSDCP 2013 be adopted unamended and to adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.

Nil.

Recommending:

1. **THAT** Council note the results of the exhibition of the draft Master Plan and draft DCP amendment.
2. **THAT** Council adopt the *Undergrounding Master Plan* as amended, following Attachment 2 to this report.
3. **THAT** Council adopt the draft amendment to NSDCP 2013 unamended, following Attachment 3 to this report.
4. **THAT** public notice of the amendments to NSDCP 2013 be given.
5. **THAT** Council adopt a new standard condition of consent that requires the surveying of undergrounding infrastructure when undergrounding works are carried out in the public domain.
6. **THAT** all submitters be notified of Council's decision and thanked for their submissions.

11. **CiS07: North Sydney CBD Laneways**

Report of Marcelo Occhiuzzi – Manager Strategic Planning

In 2010, the Minister for Planning granted development consent for a new commercial tower at 1 Denison Street, North Sydney. That consent remained inactive for some years until the current owner, Winten Property Group, acquired the site and commenced work on various modifications to tailor the approval to changing circumstances.

In 2015, the NSW Government announced the Sydney Metro City and Southwest phase of the Metro project from Chatswood to Bankstown with a Metro station to be delivered in the North Sydney CBD.

The approval of development at 1 Denison Street and the construction of Metro in the CBD, provide for unique synergies to deliver exceptional public domain improvements to a part of North Sydney that has been in need of significant refurbishment. The approval provides for active ground and above ground level uses and Metro will deliver significantly increased levels of pedestrian movement and amenity. The current owners of the site have been collaborating with Council staff working towards a vision for the central laneways that build on this opportunity to provide an attractive and engaging pedestrian environment commensurate with the arrival of Metro and Council's aspirations for the North Sydney CBD.

The concept plans that have been prepared, represent the first step in a process that will also require detailed design with a high degree of internal and external input and consultation. An early step in this process is the approval of the Roads and Maritime Services (RMS) of various on-street changes being proposed as part of the concept plans. Amongst other changes, these include the pedestrianisation of much of Denison Street and a significantly altered environment in Mount Street. The RMS prefers to consider these matters at the Traffic Committee with the benefit of initial consultation having been conducted by Council. A significant focus of this report is to seek Council endorsement to commence the required stakeholder consultation in relation to the broad direction being considered for changes to these traffic conditions and treatment of the laneways. Once this initial phase of public consultation has been completed, it is proposed that the proponent undertake further design revisions to address community concerns before returning these designs for consideration to the North Sydney Traffic Committee.

The approval of development at 1 Denison Street includes a requirement to contribute \$5.3M towards public domain improvements. Through the “works in kind” provisions of Council’s Section 94 Contributions Plan, the developer is able to provide the value of these works in actual public domain improvements, thereby achieving economies of scale and timely delivery of on-the-ground improvements, compared with paying a monetary contribution to Council. Such contribution will not deliver the entire laneway upgrade and Council will need to fund a significant component of this work in future financial years. Funds may be at least partly derived from alternative sources such as developer contributions. The exact costing of this is yet to be determined but is expected to be significant.

Recommending:

1. **THAT** Council endorse the concept plans identified at Figures 3 and 4 for the purposes of public exhibition and stakeholder consultation.
2. **THAT** the concept plans be publicly exhibited for 28 days.
3. **THAT** following stakeholder consultation, a report be prepared for Council’s consideration outlining the submissions received and any amendments that may be warranted or deemed reasonable.
4. **THAT** Council recognises the essential role that the combining of driveways between the existing MLC building and a future Metro building will play in enabling the full pedestrianisation of Denison Street and that Council continue to work towards encouraging this outcome.
5. **THAT** Council notes the preparation of a broader Public Domain Strategy/Masterplan is currently being prepared as a matter of priority which incorporates this area and all other areas of the North Sydney CBD.

12. **CiS08: Small Bars in the North Sydney LGA**

Report of Gavin McConnell, Executive Planner Metro, Place Manager CBD
At its meeting of 26 June, 2017 Council resolved to call for a report into possible ways in which Council may be able to assist those persons wishing to establish small bars in the Local Government Area.

This report identifies those policies and other means by which North Sydney Council assists those who seek to establish small bars in North Sydney.

Nil.

Recommending:

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

13. **CiS09: Short-term Holiday Letting Options Paper**

Report of Neal McCarry, Team Leader Policy

The purpose of this report is to seek Council’s endorsement of the principles to form the basis of a submission to the NSW Department of Planning and Environment (DPE) in response to the release of an ‘options paper’ dealing with short-term holiday letting in NSW.

The report details the background to, and issues arising from short-term holiday letting in the North Sydney context as well as outlining the relevant town planning and regulatory context. The suite of measures being considered by the NSW Government all contain elements of merit which would help ensure the

use of premises is appropriately regulated with the overall aim being to ensure a high level of amenity is able to be maintained by all residents yet allow the use to still be undertaken.

The report recommends Council endorse a submission to the DPE seeking a greater degree of clarity be provided to the planning and regulatory framework associated with this land use. It also recommends that any potential state wide policy amendments ensure an appropriate balance is achieved between any provisions that allow the short term letting of premises and the communities' reasonable expectations for the quiet enjoyment of premises.

Nil.

Recommending:

1. THAT Council prepares and forwards a submission to the Department of Planning and Environment in response to the *Short-term Holiday Letting in NSW Options Paper* (dated July 2017). In particular, the following issues and principles are to be included:

(a) advise of Council's experience with regard to amenity issues arising associated with short-term holiday letting and challenges arising in the regulatory process;

(b) emphasise the need for clarity in any amendments to assist Council or any other agency in their ability to investigate and regulate this land use. Any amendments must include very clear definitions and criteria for this land use which adequately recognise the different amenity impacts arising in different density contexts;

(c) recommend the need for a central registration and regulatory body to provide oversight and investigative responsibility for incidents of non-compliance or unlawful land use;

(d) express support for the need for a formal registration process for the use of premises for short-term holiday letting as this will relieve the burden of evidence gathering.

2. THAT a further update and report be provided to Council upon release of any further regulation or legislative amendments arising from this Options Paper.

14. CiS10: Proposed Western Harbour Tunnel – Ventilation Stack/s

Report of Fiona Mulcahy, Team Leader Environmental Health

On 26 June 2017, Council considered a Notice of Motion (No. 24/17) and resolved:

THAT Council as a matter of urgency undertake air quality monitoring at sites affected by or likely to be affected by (when identified) the proposed Western Harbour/Northern Beaches link tunnels.

Whilst the report recommends deferral, it would cost \$122,760 per year to establish one air quality monitoring station should Council resolve to undertake its own air quality monitoring program at this time.

This cost is not budgeted in 2017/18 or 2018/19.

Recommending:

1. **THAT** Council defers the decision to carry out its own air quality monitoring and liaises with RMS and the EPA with regard to the air quality monitoring programs intended to be undertaken and overseen by these agencies.
2. **THAT** Council urgently pursue the Roads and Maritime Services with a view to meeting with relevant staff members to discuss the establishment of air quality monitoring stations.
3. **THAT** Council re-visit its position with regard to carrying out its own monitoring should the RMS air quality monitoring program not go ahead or information regarding such not be forthcoming.

15. **CiS11: Special Precinct Meetings - Transport Infrastructure Related**

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects
This report provides an overview of three recent community meetings held by Precinct Committees to which State Government staff provided presentations regarding major transport infrastructure projects and fielded questions during open Q&A sessions. Whilst for each project, Council has coordinated its own consultation/engagement initiatives (for the aspects it can control/influence), the level of participation in the Precinct Committee initiated events is demonstrative of community concern regarding the Western Harbour Tunnel and Beaches Link project as well as the B-line project and the desire for increased engagement (at the inform and consult levels) by the respective project organisers.

Costs associated with these events, including venue and equipment hire were covered by existing allocations the 2017/18 budget for Precinct System support.

Recommending:

1. **THAT** the Q&A session transcripts from all the meetings, once finalised with TfNSW and RMS, be circulated and/or published to all stakeholders.
2. **THAT** Council accept and follow up on the RMS offer (arising from the 12 October 2017 meeting) to present again at a precinct/community meeting with their air quality expert in response to their key “take away”, that exhaust fumes/stack ventilation/air quality remains a major community concern.

16. **CiS12: Sydney North Planning Panel - Membership Nomination 2017-2018**

Report of Vera Xia, Student Strategic Planner

This matter was considered by the Legal and Planning Committee at its meeting on 16 October 2017, which recommended that this matter be deferred for consideration at the next Council meeting

Nil.

Recommending:

1. **THAT** Council nominate two (2) Councillors with at least one (1) further Councillor nominated as an alternative to represent North Sydney Council on the Sydney North Planning Panel.
2. **THAT** the Panel membership be reviewed in 12 months' time.

Community & Library Services Division

17. CLS01: Affordable Housing Strategy 2015

Report of Martin Ellis, Director, Community and Library Services

Under successive Community Strategic Plans, Council makes a significant contribution to the provision of affordable housing for the most vulnerable in our community. Council's activity in this area is outlined in the *Affordable Housing Strategy 2015* provided with this report.

Areas covered in this report are:

- Key financial factors that underline the strategy.
- Key social justice factors that underline the Strategy.
- Key issues with State Government legislation (Affordable Rental Housing State Environmental Planning Policy (ARHSEPP)) and policies.
- Key project under Council consideration: Parraween Street Carpark.

Nil.

Recommending:

1. THAT the Affordable Housing Strategy be updated to reflect Council's intention to lobby the NSW Government to amend the Affordable Rental Housing State Environmental Planning Policy 2009 to close loopholes allowing for unaffordable rents to be charged in new generation boarding houses.

2. THAT Council write to its local Federal member, and State member of Parliament, and the Minister for Housing requesting these changes.

3. THAT Council continue discussions with leaseholders of its properties to leverage ageing community housing in order to develop additional local beds.

4. THAT a Councillor briefing be held on the Parraween Street car park project.

18. CLS02: Educational Institutions Working Group Minutes – 31 July 2017

Report of Martin Ellis, Director, Community and Library Services

Council resolved in relation to a Notice of Motion raised by Councillor Baker (NoM15/17) at its meeting on 22 May 2017:

“THAT the Educational Institutions Working Group be reconstituted to meet to discuss the impacts of increasing population densities and large infrastructure projects on schools and educational institutions within the North Sydney Local Government area.”

The Working Group met on 31 July 2017 and the Minutes are attached to this report.

Nil.

Recommending:

1. THAT Council refer the issue of the apparent inequity where height restrictions on school sites are not in line with the height of surrounding buildings to the City Strategy Division for a report.

2. THAT Council write to relevant parties in support of all schools in opposing any pollution from proposed ventilation stacks for the Harbour Link Tunnel.

3. THAT Council notes that the Working Group does not support reducing the ratios (indoor and outdoor) for Out of Hours School care on school property; and that instead Council support is sought for relieving the current and increasing overcrowding during school hours.

19. CLS03: North Sydney – An Early Snapshot from 2016 ABS Census

Report of Eric Poulos, Community Worker - Social Planner

The publication of the 2016 ABS Census coupled with other data such as education enrolments, gives the opportunity to review changes to the North Sydney Local Government Area's demographics over the past five years. It shows that the population of 72,037 has increased by over 5,000 people with females outnumbering males by 5.6%. They are living in 36,846 dwellings with an increasing population density due to growing medium and high density developments. The North Sydney LGA, compared to the rest of NSW, has higher proportions of a young workforce (25 to 34), parents and homebuilders (35 to 49), empty nesters and retirees (60 to 69), and seniors (70 to 84). It has lower proportions of babies and preschoolers (0 to 4), primary schoolers (5 to 11), and secondary schoolers (12 to 17).

With regard to housing, 43% of households were purchasing or fully owned their home, 47.4% were renting (mostly privately) and 1.6% were in social housing in 2016. 89.2% of the dwellings are medium or high density, compared to 33% in New South Wales. The LGA supports over 17,000 students with many travelling to North Sydney from outside the area. There are 11 public and private infants and primary schools with over 7,000 students enrolled. There are 10 secondary schools providing schooling to around 8,500 young people between years 7 and 12. Adult education is a significant contributor to the North Sydney economy with the presence of the Australian Catholic University and a number of business and industry training colleges and institutes. In the North Sydney LGA, there were 92,467 local jobs. 48,769 residents were employed, in North Sydney and elsewhere. In 2015, the Business Services sector accounted for 56.0% of employment in the North Sydney LGA.

The area is growing in cultural and linguistic diversity (CALD) with 23% of people born in countries where English was not their first language. Between 2011 to 2016, 7,128 came as new arrivals. The highest numbers came from China, India and the Philippines. 22% spoke a language other than English at home, with those speaking Mandarin, Portuguese, Spanish and Hindi showing the greatest increase. Aboriginals and Torres Strait Islanders are 0.3% of the population. Between the 2011 and 2016, there were marked changes in religious attributes with 25,231 identifying as having "No Religion", while there was a significant decline in those identifying as Christian (in particular, those of the Anglican faith).

Nil.

Recommending:

1. THAT the report be received.

20. **CLS04: Deed of Variation: Community Services Funding Agreement 5-year Contract**

Report of Martin Ellis, Director, Community and Library Services

In July 2017 Council entered into a 3-year Agreement (2017-20) with a 2-year option, for the NSW Government's Family and Community Services (FACS) to make a contribution (\$38,359 per annum) towards Council's salary costs for delivering programs under the Community Capacity Building program.

Subsequent legal advice to FACS has shown that this arrangement effectively makes the program fixed-term, invalidating the option for a two-year extension. To overcome this unintended outcome, FACS asks Council to enter into a Deed of Variation that changes the fixed term to one that has no expiry date. Council is advised that this will "*impose no impact on the operation of the Program Level agreements that [our] organization has already executed with FACS.*" Nil.

Recommending:

1. THAT Council hereby authorises its Official Seal to be affixed to the Deed of Variation to the program level Agreement from the NSW Department of Family and Community Services under the signature of the Mayor and the General Manager.

21. **CLS05: Street Libraries in North Sydney: A Pilot Program**

Report of Anna Warren, Community Information Officer

Council has been approached by a Neutral Bay resident to install a Street Library in a Council bus shelter.

At its meeting on 24 July 2017 (Min. No. 248), Council resolved:

"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."

This report provides an overview of options for street libraries in the North Sydney area and recommends that a trial of three sites be implemented, for community managed libraries supported by Council. "Owners" would be sought from the public through an expressions of interest (EOI) process. Council support would be limited to purchase of the street library box (and support structure) and regular maintenance, on a similar basis to Council's "open" community noticeboards as illustrated in the report. The Design of the street library would be to the satisfaction of the Director Property and Engineering Services. Monitoring would be through Council's bi-monthly Community Noticeboard inspections. Street libraries whose "owner" wishes to retire, and where no replacement can be found, will also be retired.

The report describes street libraries facilitated by other Councils. The community is able to draw on resources and support from Street Library Australia.

Promotion of the program and particular recipients of the EOI opportunity would be community groups such Streets Alive, Precincts and the Waverton Hub.

Capital costs \$3,000 plus annual maintenance of \$300 would require to be funded.

Recommending:

1. **THAT** North Sydney Street Libraries be piloted in 3 designated areas as outlined in the report.
-

Corporate Services Division

22. **CoS01 Disclosure of Pecuniary Interests by Councillors and Designated Persons**

Report of Melissa Dunlop, Governance Co-ordinator

Section 449(3) of the *Local Government Act 1993* requires Councillors or persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months after that date (i.e. 30 September).

All returns have been duly completed and lodged within the prescribed period by all Councillors and designated officers.

The Register of Pecuniary Interests Returns is available for inspection at the Council Chambers.

Nil.

Recommending:

1. THAT the report be received.

23. **CoS02: Audit and Risk Committee Minutes – 7 April 2017, 30 June 2017 and 13 October 2017**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last three meetings of the Audit and Risk Committee held on 7 April 2017, 30 June 2017 and 13 October 2017, for Council adoption. The Minutes are attached for information.

It should be noted that there was no quorum present on 7 April 2017 and 30 June 2017 so the Minutes are a record of the meeting only and not recommendations by the Committee.

Nil.

Recommending:

1. THAT the Minutes of the Audit and Risk Committee meetings held on 7 April 2017, 30 June 2017 and 13 October 2017 be received.

24. **CoS03: Legal and Planning Committee Minutes – 16 October 2017**

Report of Ian Curry, Manager Governance and Committee Services

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 16 October 2017 for Council adoption. The Minutes are attached for information.

Nil.

Recommending:

1. THAT the Current Appeals and Results report be received, with the exception of the item in the table on page 26 regarding 8 Wonga Road, Cremorne (LP01).

2. **THAT** Council supports the proposed location for the food truck trial on Miller Street, subject to approval by RMS via Council's Traffic Committee (LP02).
3. **THAT** following approval of the proposed location by Council's Traffic Committee, that a 3-month food truck trial commences at this location (LP02).
4. **THAT** exhibition of the North Sydney CBD Mobile Food Vending Vehicles Trial Policy occurs concurrently with the trial (LP02).
5. **THAT** community consultation for the trial and the accompanying North Sydney CBD Mobile Food Vending Vehicles Trial Policy be undertaken in accordance with the conditions outlined in the previous Council resolution from 20 February 2017 (LP02).
6. **THAT** the outcomes of the food truck trial and the accompanying community consultation be reported back to Council to evaluate the success of the trial and determine whether to continue with the food truck program (LP02).
7. **THAT** Council note the commencement of the Masterplan/ Plans of Management for Tunks Park and Anderson Park (LP03).
8. **THAT** Council endorse the Community Engagement Strategy for the Tunks Park and Anderson Park Masterplan/ Plans of Management (LP03).
9. **THAT** Council endorses the formal appointment of Ms Anita Morandini to the Design Excellence Panel for 2017-2019 (LP04).
10. **THAT** the Sydney North Planning Panel – Membership Nomination 2017-2018 item (LP05) be deferred for consideration at the next Council meeting.
11. **THAT** delegation be given to the General Manager to call for expressions of interest from residents to be Community Representatives on the future Local Planning Panel, and to appoint appropriate individuals with a representative and alternate for each ward (LP06).
12. **THAT** current delegations to officers be reviewed by the General Manager to align with the amended legislation and any subsequent practice directions (LP06).
13. **THAT** Council not delegate a review of Planning Proposals to the State Government's mandatory IHAP (LP06).
14. **THAT** Council write to the Minister with a copy to neighbouring Councils and NSROC, requesting that amendments be made and adopted to the administrative arrangements for the operation of panels, as detailed in Council's submission to the Department of Planning (LP06).
15. **THAT** a copy of this report and any subsequent correspondence be sent to the Precinct Committees, with a briefing note (LP06).

25. **CoS04: New Application for Reference Group Membership**

Report of Melissa Dunlop, Governance Co-ordinator

The purpose of this report is to inform Council of one application received for citizen membership. Ms Sarah Stevenson has applied to be a member of the Environment Reference Group.

Nil.

Recommending:

1. **THAT** the application from Ms Sarah Stevenson for citizen membership of the Environment Reference Group be accepted.

26. **CoS05: NTH SYD CBD Marketing and Events Strategy Review**

Report of Isobel Moore, Events Officer (CBD)

This report provides an update on the current strategy review for activities in the CBD as part of the “Happiness Works Here” NTH SYD CBD Marketing and Events program. The review recommends incorporating some higher impact events into the schedule, increasing the focus on relationship building, and adjusting the digital media strategy to expand the digital Nth Syd community.

There are no financial implications; the shift in emphasis can be achieved within the current budget.

Recommending:

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

Engineering & Property Services Division

27. **EPS01: Traffic Committee - Minutes 28 July 2017**

Report of Michaela Kemp, Manager Traffic & Transport Operations

This report presents the recommendations of the last meeting of the Traffic Committee held on 28 July 2017 for Council adoption. The Minutes are attached for information.

Nil.

Recommending:

1. THAT Council staff consider the resident parking permit to space ratio for Lumsden Street and Echo Street and the parking conditions in Echo Street be reviewed in 12 months' time. (4.2(2))

2. THAT Council staff consult with the applicant and John Clark to determine the most appropriate location for the requested disabled parking space in Kurraba Road. (4.2(3))

3. THAT Council approve the implementation of traffic calming Option 1 - marked cycle way on the southern side of Atchison Street between Willoughby Road and Alexander Street as shown on Plan 12463_SK_C101 (Rev 02) prepared by Paynter Dixon, excluding the pedestrian crossing on Atchison Street at Willoughby Road, but including the kerb extensions, with the cost to be borne by the applicant of DA 327/15, 101-111 Willoughby Road, Crows Nest. (4.3)

4. THAT Council apply to the RMS for approval of a pedestrian crossing on Atchison Street at Willoughby Road. If approved, the cost of installing the pedestrian crossing shall be borne by the applicant of DA 327/15, 101-111 Willoughby Road, Crows Nest. (4.3)

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

6. THAT the remainder of recommendations made for changes in the parking restrictions be adopted (Items 1, 4 & 5). (4.2)

7. THAT Council raises no objection to the Sydney Spring Cycle event to be held on Sunday 15 October 2017, subject to Police and RMS approval, appropriate public liability insurance, and the event being carried out in accordance with AS 1742.3 and 2017 Traffic Management Plan. (4.4)

8. THAT the Traffic Committee approve the road closures detailed in this report, in accordance with the submitted Traffic Management Plan, on Sunday 17 September 2017 for the purpose of the 2017 Blackmores Sydney Running Festival. The road closures are subject to RMS and Police approval, appropriate public liability insurance and notifications being distributed to affected properties at least 2 weeks prior to the event and compliance with North Sydney Council's standard Road Closure conditions. (4.5)

9. THAT Council raise no objection to the temporary closure of Clarke Lane, St Leonards between Hume Street and Oxley Street as outlined in the Traffic Management Plan submitted by Delta Group, subject to Council's standard application conditions, payment of relevant fees, and notification to affected properties. (4.6)

10. **THAT** the information concerning the Abandoned Vehicles Processed Report be received. (5.1)
11. **THAT** the information concerning the Unattended Boat Trailers Processed Report be received. (5.2)
12. **THAT** the information concerning Sydney Metro City & South-West Construction Update be received. (5.3)
13. **THAT** the information concerning standing items for the Traffic Committee be received. (5.4)
14. **THAT** Traffic Committee scheduled for Friday 8 September 2017 be cancelled and the next meeting be held on 20 October 2017, after the Local Government elections. (5.5)
15. **THAT** delegated authority be given by the Committee to Council officers to determine any urgent matters in the interim period. (5.5)
16. **THAT** the Transport strategy adopted at the 24 July 2017 Council meeting. State infrastructure has been announced and progressing at the moment. (5.6)

28. **EPS02: Traffic Committee - Minutes 20 October 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 20 October 2017 for Council adoption. The Minutes are attached for information.

Recommending:

1. **THAT** the proposed disabled parking space in front of 38A Warringa Road, Cammeray be approved, the signs installed without delay and removed at the end of January 2018. (4.1)
2. **THAT** Council have a meeting with STA, Lavender Bay Precinct and interested small business owners that be scheduled as soon as practicable. (4.2.1)
3. **THAT** the drivers of buses be immediately advised to slow down in the area. (4.2.1)
4. **THAT** those residents and business owners here today be formally advised of the date and time of the proposed meeting. (4.2.1)
5. **THAT** the existing unrestricted parking in Warung Street be converted to "2P 8.30am to 6.00pm Mon-Fri Permit Holders Exempt Area 7". (4.4)
6. **THAT** Council undertake a review of the parking restrictions in Warung Street after 12 months from installation (4.4)
7. **THAT** in the meantime, Council further investigate weekend restrictions in Warung Street with a report being submitted to the next available Traffic Committee meeting. (4.4)
8. **THAT** the traffic aspects of the Construction Traffic Management Plan prepared by Mainland Civil dated 22 August 2017 for development at 1 Denison Street, North Sydney (Development Consent MP08_0238) is approved subject to the conditions outlined in the report, *subject to the applicant providing detailed swept path diagrams for Berry Street for approval of the RMS.* (7.1)
9. **THAT** the conversion of eight (8) "P 5 Minute" on Little Spring Street, and one (1) "2P Meter" parking space on Denison Street to "No Stopping" as described in this CTMP is approved, with the same conditions pending lodgement of a Work Zone application and payment of all applicable fees. (7.1)

10. THAT should it be deemed necessary to remove additional parking spaces along Little Spring Street and Denison Street for safety reasons during ongoing construction activity at 1 Denison Street, those changes be approved under delegated authority of Council's Traffic Engineer, with applicable fees to be paid by the applicant. (7.1)

11. THAT the applicant provide the relevant contact details for the construction site manager and company, and the truck fleet company for the information of Rangers and Police. (7.1)

12. THAT GPS tracking and under-guards be considered for truck and dog trailers engaged at 1 Denison Street as a safety enhancement measure. (7.1)

13. THAT the information regarding Delegated Authority items be received. (4.1.2)

14. THAT provision of a disabled parking space be approved south of the driveway to No. 145 Kurraba Road, Kurraba Point. In addition, No Parking signs be approved across driveway access to No. 147. (4.1.2)

15. THAT the Give Way sign on Wycombe Road and Harriette Street be left as is. (4.2.2)

16. THAT the remainder of recommendations made for changes in parking restrictions 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 & South-West Construction Update be received. (5.3)

20. THAT the information concerning standing items for the Traffic Committee be received. (5.4)

21. THAT the Mayor write to the Roads Minister outlining the background of the speed zone on Ernest Street and requesting a site meeting with the Mayor, Anzac Park Public School Principal, Anzac Park Public School P&C representative, and to seek guidance on varying the guidelines to accommodate the genuine and legitimate request to provide a 40km/h School Zone on Ernest Street. A copy of the letter to be sent to the Education Minister, Premier, and Local MP. (5.4)

22. THAT Council apply to the RMS for approval to install a pedestrian crossing on Yeo Street between Watson Street and Premier Street without further delay. (Minute 82)

29. EPS03: Council Owned/Leased Properties: Leasing Transactions and Other Property Matters

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 10 October 2017.

It includes the Building Management Statement, the First Right of Refusal, the Lease Agreement, the Subdivision Plan and the Section 88B instrument between North Sydney Council and Fabcot Pty Ltd for 34-48 Alexander Street and 10 Falcon Street, Crows Nest.

This report also incorporates details relating to the dedication of the road outside No. 62 Pine Street, Cammeray. Council would now like to regularise its dedication as a public road and to enable Council to achieve this, Council requires to constitute its publication in the Government Gazette.

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

Recommending:

1. THAT Council notes the leasing transactions and other property matters, which are detailed in 'Attachment A' of this report.

2. THAT Council notes the Building Management Statement, the First Right of Refusal, the Lease Agreement, the Subdivision Plan and the Section 88B instrument relating to 34-48 Alexander Street and 10 Falcon Street, Crows Nest, which is detailed in 'Annexure A' of the report.

3. THAT Council grants approval to proceed with the dedication of Lot 2 DP 953080 and Lot 11 DP 5992 (correctly described as part of Lot 1 in DP 953080), being the portion of the road reserve outside No. 62 Pine Street, Cammeray, by constituting its publication in the Government Gazette.

4. THAT Council grants delegated authority to the Acting General Manager to execute and finalise all documents relating to the transfer of the road reserve outside No. 62 Pine Street, Cammeray, to Council.

5. THAT Council grants consent to the Assignment of Lease from T-C 101 Miller Street LLC to The Trust Company subject to:

(a) Mirvac Funds Limited providing the necessary Bank Guarantee as they are a party to the Deed.

(b) Clause 2.3(D) of the registered Lease E931459 be varied to provide for the amount of the guarantee to be increased to provide consistency with the current market and Council's current standards relating to guarantees.

6. 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.

30. EPS04: 261 Pacific Highway, North Sydney - Outcome of Expression of Interest No. 1/2018

Report of Risha Joseph, Property Officer

Expressions of Interest were called on 6 July 2017 and were received until 4 pm on Wednesday, 2 August 2017 via Tenderlink for the proposed sale of one of Council's investment properties located at 261-263 Pacific Highway, North Sydney.

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 future costs are available.

Recommending:

1. THAT delegated authority be granted to the Acting General Manager to enter into direct negotiations with interested parties to negotiate an offer that is acceptable to Council.

2. THAT should the negotiations be unsuccessful, the sale of the property proceeds to public auction with an agreed reserve price.

3. **THAT** if the reserve price is not reached, Council will not proceed with the sale of the property.

4. **THAT** a report be brought back to Council only if the property is sold at auction above the indicated reserve price.

31. **EPS05: 90-92 Willoughby Road, Crows Nest: Possession of the Leasehold interest and Classification as Operational Land**

Report of Risha Joseph, Property Officer

In 2012, Council adopted the Crows Nest/ St Leonards Planning Study for Precinct 1 which amongst other things, identified 90-92 Willoughby Road, Crows Nest as a key property in Council's acquisition strategy to provide a Through Site Link to Willoughby Road to achieve the overall objective of a green space and public access way through to the expanded Hume Street Park. Despite continued negotiations for more than a year with the property owners of 90-92 Willoughby Rd, Crows Nest, Council was unable to secure a private sale, leaving Council with no alternative, but to compulsorily acquire the property.

On 16 August 2017, consent was granted by the Minister of Local Government for the compulsory acquisition of the property at 90-92 Willoughby Road, Crows Nest.

On 1 September 2017, Council acquired the subject property, together with its leasehold interests by constituting it publication in the NSW Government Gazette No. 98, Folio 4911.

Council is now proposing to classify the land as 'operational' land under the Local Government Act, 1993. Classifying the land to 'operational' land gives Council more flexibility and control in the future development of the site.

Section 31(2) of the Local Government Act 1993 provides Council with a mechanism to classify the acquired property via a council resolution within 3 months from the date of acquisition rather than via an amendment to North Sydney Local Environmental Plan 2013 being prepared.

Funding for the acquisition is available.

Recommending:

1. **THAT** Council approve the classification and gazetting of Lot 11 Section 4 DP 2872, known as 90-92 Willoughby Road, Crows Nest as Operational land under the provisions of Section 31(2) of the Local Government Act 1993.

32. **EPS06: Footpath Construction Works – Tender 49/2017**

Report of Robert Esdaile, Engineering Project Manager

Tenders were called and were received until 4pm, 26 July 2017 for the submission of tenders to undertake Footpath Construction Works.

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

Funding for these projects was included in the adopted 2017/18 budget.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 49/2017 - Footpath Construction Works.
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 49/2017 under the signature of the Mayor and the Acting 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*.

33. **EPS07: Little Young Street Gross Pollutant Trap Construction – Tender 4/2018**

Report of Jim Moore, Engineering Project Manager

Tenders were called and were received until 4pm on 7 September 2017 for the submission of tenders to undertake Little Young Street Gross Pollutant Trap Construction.

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.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 4/2018 - Little Young Street Gross Pollutant Trap Construction.
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 4/2018 under the signature of the Mayor and the Acting 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*.

34. **EPS08: Stormwater Drainage Construction Works – Tender 5/2018**

Report of Jim Moore, Engineering Project Manager

Tenders were called and were received until 4pm, 12 September 2017 for the submission of tenders to undertake Stormwater Drainage Construction Works.

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

Funding for these projects was included in the adopted 2017/18 budget.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 5/2018 – Portion 1 - Stormwater Drainage Construction Works.
2. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 5/2018 - Portion 2 - Stormwater Drainage Construction Works.
3. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 5/2018 - Portion 3 - Stormwater Drainage Construction Works.

4. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 5/2018 - Portion 4 - Stormwater Drainage Construction Works.
5. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 5/2018 - Portion 5 - Stormwater Drainage Construction Works.
6. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 5/2018 under the signature of the Mayor and the Acting General Manager.
7. **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*.

35. **EPS09: Administration of Special Rates Levied for Crows Nest and Neutral Bay Business Areas – Five Year Capital Works Program**

Report of Adam Deutsch, Project Manager and Duncan Mitchell Director Engineering and Property Services

At its meeting held on 16 March 2015, (Min. No 3361), Council resolved the following:

2. **THAT** from July 1 2015, all operational and capital expenditure of Special Rates levied for Identified projects and programs in the Crows Nest and Neutral Bay Business Areas be resolved on by Council.

6. **THAT** a five-year Capital Works Program for the Crows Nest and Neutral Bay Business Areas be developed and adopted by Council. The Capital Works Program is to clearly identify the projects where Special Rates levied will be utilised.

The cost of transferring the full administration and reporting of the Special Rates levied for the Crows Nest and Neutral Bay Business Areas would be incorporated into Council's current financial operations.

The cost of an annual independent audit report on levied funded expenditure for Crows Nest and Neutral Bay Business Areas would be funded from the levy and would only require a minor variation to the current Audit tender.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council endorse the levy funded Operating Budgets for 2017/18 for Crows Nest Main Street Pty Ltd and the Neutral Bay Chamber of Commerce

2. **THAT** Council adopts the proposed projects for Crows Nest and Neutral Bay subject to the Levy Funding and Council Funds being made available for the next four years.

3. **THAT** if there are any requested changes to the levy-funded Operating budgets for 2017/18 for Crows Nest Mainstreet and Neutral Bay Chamber of Commerce a report is to be brought back to Council seeking endorsement.

4. **THAT** if there are any changes to the Crows Nest and Neutral Bay proposed projects that are subject to further funding, a report is to be brought back to Council seeking endorsement.

5. **THAT** Council resolve to allocate \$16,364 excluding GST from both the Neutral Bay and Crows Nest Levy funds for the purpose of administration, data basing and marketing roles for the 2017/18 and 2018/19 Financial Years.

36. EPS10: Road Safety Program Overview Report 2016/17

Report of Cassie Kite and Stella Stefan, Road Safety Coordinators

This report provides an overview of all road safety projects and supporting initiatives undertaken during the 2016/17 Financial Year to help educate the community about Road Safety.

As indicated in the attached report, during 2016/17, Council's contribution towards the Road Safety Program was \$61,000 compared with the \$11,500 contribution provided by the RMS. Similarly, in 2017/18, Council's contribution is \$64,500 compared with the RMS allocation of \$10,500. To offset Council's contribution under this program it is recommended that Council write to the NSW Minister for Transport and Infrastructure requesting the funding allocation under the Road Safety Program be increased to \$30,000 to more adequately assist Council in the development and implementation of much needed Road Safety Campaigns in North Sydney.

Recommending:

- 1. THAT** the Road Safety Program Overview Report 2016/17 be received and its contents noted.
- 2. THAT** Council's Acting General Manager write to the NSW Minister for Transport and Infrastructure requesting the funding contribution under the Road Safety Program be increased to \$30,000 for North Sydney Council.

Open Space & Environmental Services Division

37. **OSE01: Tender No. 11/2018 – Watt Park Access Improvements**

Report of Alicja Batorowicz, Landscape Projects Coordinator

Tenders were called and were received until 4.00 pm on Tuesday, 10 October 2017 for the submission of tenders to undertake Watt Park Access Improvements.

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

Funding for this project was included in the adopted 2017/18 budget.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 11/2018 Watt Park Access Improvements.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 11/2018 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.*

38. **OSE02: Tender No 48/2017 – North Sydney Oval – Refurbishment of Two Coffee and Food Kiosks**

Report of Kate Bambrick-Browne, Landscape Grants Coordinator

Tenders were called and were received until 4.00pm, Tuesday 25 July 2017, via Tenderlink for the submission of tenders to undertake the North Sydney Oval Refurbishment of two coffee and food kiosks.

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 the project was included in the adopted 2017/2018 budget.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 48/2017 North Sydney Oval – Refurbishment of Two Coffee and Food Kiosks.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 48/2017 under signature of the Mayor and the General Manager.

3. THAT once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by *Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.*

PETITIONS

Nil

CORRESPONDENCE

Nil

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

39. NoM01: Notice of Motion No. 39/17 by Cr Drummond – 10/10/17

Re: North Sydney Council Recycling

1.THAT the new North Sydney Council be provided with a brief report on the final destination of recyclable waste collected during Council’s regular weekly curb side pickup service.

Background

There have been numerous recent media reports on recyclable material in NSW being stockpiled and landfilled instead of being recycled, particularly glass. It would be timely for Council to affirm this is not the case for our municipality and confirm its role in combatting this purported environmental crisis. North Sydney Council have always had a reputation of being one of the most environmentally friendly Councils in NSW and we should reassure our community that the newly formed Council will be proactive in the so-called ‘war on waste’ by ensuring that our waste providers adhere to best practice throughout the lifecycle of all collected materials.

For further information, please see:

<http://www.abc.net.au/news/2017-08-24/trashed/8839920>

<http://www.abc.net.au/news/2017-08-07/recycling-companies-forced-to-stockpile-glass-industry-crisis/8778088>

40. NoM02: Notice of Motion No. 40/17 by Cr Mutton – 25/10/17

Re: Luna Park Site- “Harry’s Park”

1.THAT Council request the Premier to advise when her Government will require Luna Park Sydney Pty Limited to complete its agreement entered into in November 2006 by it, Mrs Seidler and the Luna Park Reserve Trust:

To undertake the development of lot 12 to facilitate public access and use.

Background

One of the great assets of North Sydney is its parks. We, as a Council, need to be concerned when a supporter “buys” land for a park but is obstructed by the Government and others from making the land available to our community.

In 2004 the cliff top area overlooking Luna Park was leased to Luna Park Pty Limited for 99 years.

In November 2006, the Government, and Luna Park Sydney Pty Limited agreed with Mrs Seidler and a company with which she was associated to the establishment of memorial park (Harry's Park) on lot 10.

The Government (Luna Park Reserve Trust) reported the agreement to establish Harry's Park in its 2005-06 Annual Report and reported on the building of Harry's Park in its next four reports. Since 2010 the Luna Park Reserve Trust has not reported on the matter.

41. NoM03: Notice of Motion No. 41/17 by Cr Baker – 25/10/17

Re: Barnett's Boatshed, West Crescent Street, McMahons Point - Foreshore Access

1.THAT Council, pursuant to Council's Foreshore Access Strategy 2007, immediately engage with the new owner(s) of Barnett's Boatshed, West Crescent Street, McMahons Point to facilitate and explore opportunities to extend public access to the foreshore across this site.

Background

On 16 September 2017 the historic Barnett's Boatshed West Crescent Street, McMahons Point was sold. At that time Council was in "caretaker" mode and the election results had not been formally declared.

North Sydney Council has had a long association with the site including contributing funds to the rebuilding of the boatshed following a fire in 1971. Further, the site uses adjoining Council owned land to accommodate garaging.

Council has a long standing commitment to public access to the foreshore and taking up opportunities to extend existing access across "missing link" sites such as Barnett's Boatshed. The property is likely to be the subject of redevelopment and this provides an opportunity for Council to explore and negotiate access as well as regularise the use of the adjoining Council owned land by this site.

42. NoM04: Notice of Motion No. 42/17 by Cr Beregi – 25/10/17

Re: Opal Cards

1.THAT Council write to the Premier and the Minister for Transport in relation to issues pertaining to Opal cards in the North Sydney LGA.

43. NoM05: Notice of Motion No. 43/17 by Cr Beregi – 25/10/17**Re: Full Accessibility to the Sydney Harbour Bridge Walkway**

1.THAT the Council write to the Premier, the Minister for Disabilities, the Opposition Leader, the Shadow Minister for Disabilities and the Member for North Shore asking that they immediately provide full funding for the lift to the Pedestrian Walkway on the Sydney Harbour Bridge and urgently build the lift to ensure that the Sydney Harbour Bridge Walkway is access for all as soon as possible, and in time for the Invictus Games in September 2018.

Background

In August 2017, Cr Baker and I joined members of our community and advocates for equality to call for the NSW State Government to immediately fulfil their election promise and provide full funding for the installation of lifts to access to the Sydney Harbour Bridge pedestrian pathway, and that the lift be open and operable by September 2018 when Sydney will host the Invictus Games.

The rally was held in our very own backyard, Kirribilli, where locals and tourists access the pedestrian pathway of the Bridge by stairs. Currently the only way those who are unable to use stairs can access the Harbour Bridge pedestrian pathway is by being carried or dragged up in their chairs.

Clearly this is an unacceptable situation which should have already been addressed and one which is easily rectified.

44. NoM06: Notice of Motion No. 44/17 by Crs Baker, Beregi and Carr – 25/10/17**Re: Disability advocacy funding following the introduction of the National Disability Insurance Scheme (NDIS)**

1.THAT Council write to the Premier, local State MP, Minister for Ageing and the relevant Shadow Ministers to urge the NSW Government to commit to fully funding advocacy, informational and peak representational organisations after the implementation of the NDIS in NSW.

Background

Currently the NSW Government funds approximately 50 disability advocacy, information and peak representational organisations services to provide independent supports through the Department of Ageing Disability and Home Care (ADHC). This is about \$13 million per year.

Under bilateral agreements signed by State and Commonwealth Govts to assist in funding the National Disability Insurance Scheme all ADHC funding will be given to the Commonwealth after June 30 2018. This will leave significant gaps

in advocacy, information and representational services for the 20% of people with disability in NSW – the largest single minority group in NSW, and some of its most vulnerable citizens. This is despite the bilateral agreement maintaining NSW's shared responsibility for advocacy.

The NDIS states that it will not fund advocacy, either in individual plans, or through the Information, Linkages and Capacity Building (ILC) tier of the NDIS.

Disability advocacy organisations undertake both individual and systemic advocacy as well as information provision, representation and capacity building. Their key priority is to protect and uphold the rights of people with disability.

Some of these advocacy, informational and peak representational organisations help individuals with disabilities, their family members, and carers in the North Sydney Local Government Area such as IDEAS, and NSW Council for Intellectual Disability.

As at June 30th 2018 the NSW State Government will cease funding to disability advocacy organisations. For the large majority of people with disability in our local area who will not be eligible for the NDIS a lack of advocacy, informational and peak representational organisations will be a barrier to full inclusion.

45. NoM07: Notice of Motion No. 45/17 by Crs Baker, Beregi and Carr – 25/10/17

Re: Recognition of distinguished service - former Victoria Ward Councillor, Michel Reymond

1.THAT Council acknowledge and thank Cr Michel Reymond for his 21 years of distinguished service as an elected representative of North Sydney Council.

46. NoM08: Notice of Motion No. 46/17 by Cr Mutton – 25/10/17

Re: Council Property Portfolio

1.THAT a report be prepared by Council's staff detailing, with respect to each property owned by the Council and used for residential purposes:

1. The address or other descriptor
 2. The present market value
 3. The maintenance costs in each of the last two financial years
 4. The income to council in each of the last two financial years.
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QUESTIONS WITH NOTICE

QUESTIONS WITHOUT NOTICE
