



Council Chambers
22 March 2018

The **3701st MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.00pm** on Monday, 26 March 2018. The agenda is as follows.

Duncan Mitchell
**ACTING GENERAL
MANAGER**

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

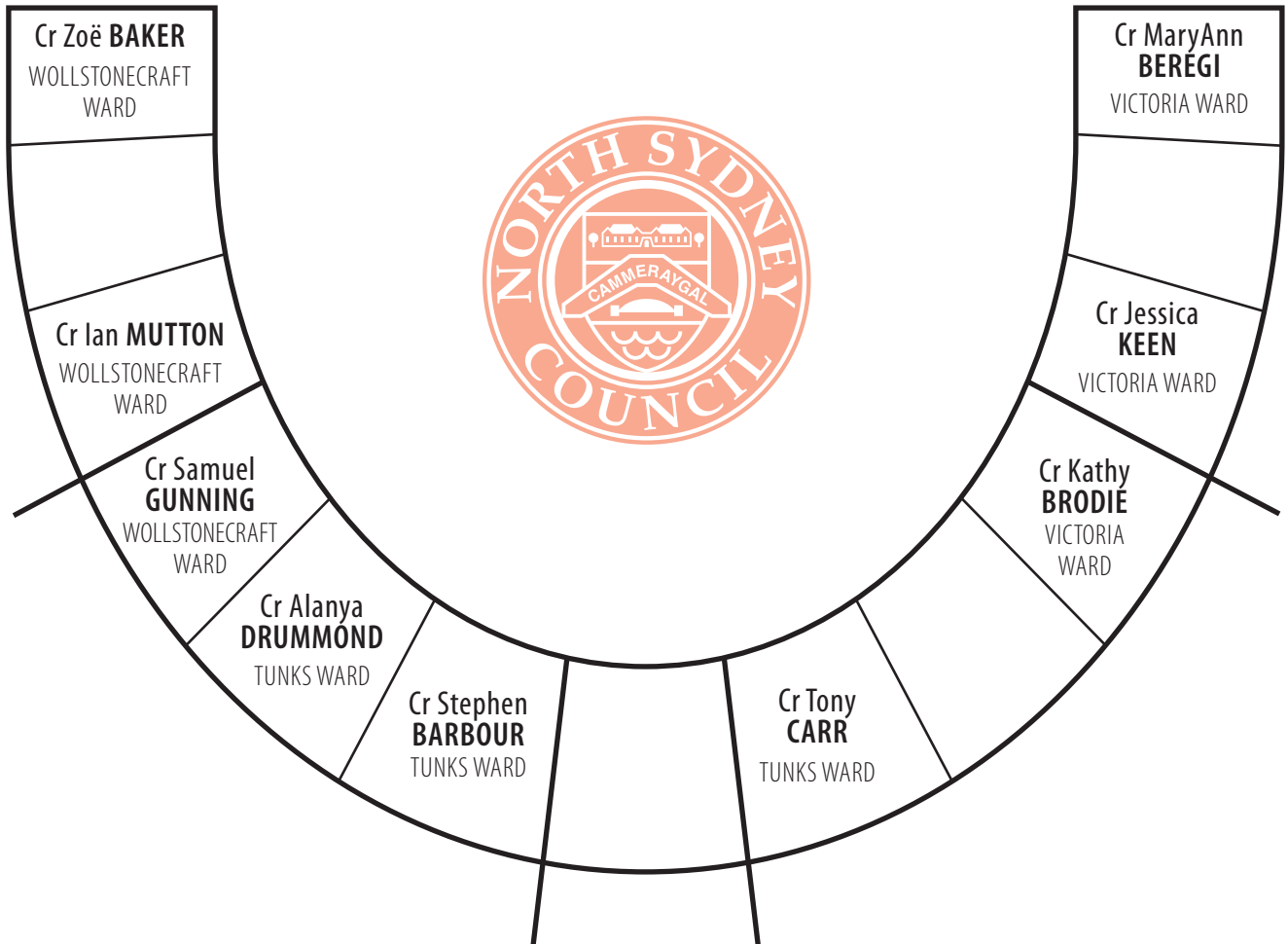
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - **MATTERS BROUGHT FORWARD**
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**
 - **MINUTES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

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



COUNCIL OFFICERS

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

COUNCIL MEETINGS



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. Items brought forward will be considered in the order that they appear on the agenda
5. As the Chairperson calls the brought forward items on the Agenda, speakers are invited to take their place at the foot of the Councillors' table. When you are called to speak, you must identify yourself by name and address or professional status. When you have made your address, the Council may wish to ask questions of you, after which you should resume your seat in the Gallery.
6. The following points should be noted by members of the public wishing to address Council:
 - Addresses must relate to an item on the Agenda.
 - Addresses should be limited to three (3) minutes.
 - Addresses should be made to "Mayor and Councillors".
 - If you have previously addressed the Council on the subject then any further address must be made to present new information **ONLY**.
 - Groups, or persons wishing to present similar points of view, should nominate a spokesperson and not address the Council individually.
 - All questions and comments are to be addressed through the Chairperson.
 - Having made your address and answered any questions put to you by the Councillors, you may take no further part in the debate.
 - No written submissions or documentation may be presented to the meeting without a resolution of Council.
 - Members of the public are asked not to make insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).
7. When all representations have been heard, the Chairperson will ask for a motion to determine the matter.

COUNCIL MEETINGS



Explanatory Notes for Members of the Public Attending Meetings

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

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

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

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

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

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

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

SUBJECT: 3701st MEETING OF COUNCIL TO BE HELD ON MONDAY, 26 MARCH 2018

THAT THE MINUTES of the previous 3700th Council Meeting held on Monday, 19 February 2018 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

1. MM01: Free Wi-Fi in North Sydney CBD

Recently I attended a meeting in the North Sydney CBD attended by our local Federal Member, Mr Trent Zimmerman.

As most councillors would be aware, Mr Zimmerman is a strong advocate for technology and innovation and set up the North Sydney Innovation Network to promote and enhance the fast growing contribution of innovation related businesses on the lower north shore of Sydney, bringing together people in business from different industries and sectors.

The Network is open to all businesses and interested people on the lower north shore and provides an opportunity for businesses to connect with each other and give feedback on local and national policy settings.

The Network is made up of a collection of local startups and digital businesses, industry experts and investors, local educators, Chambers of Commerce and representatives from the councils of Lane Cove, Willoughby and North Sydney.

Our CBD is experiencing massive redevelopment and as part of Council's commitment to innovation, I believe we have a responsibility to improving all the physical and technology infrastructure available to businesses and visitors to North Sydney.

One way we can do this is to provide free high speed Wi-Fi in the CBD.

Many world cities offer Wi-Fi hotspots for visitors. Very few local governments, however, offer free and unrestricted high-speed Wi-Fi that is fast enough for streaming video. Even fewer provide upload speeds on par with download speeds.

In Australia, only the City of Perth offers free public Wi-Fi in their CBD.

With some smart investment in a Wi-Fi network now, North Sydney can become a leader in innovation. Such a network could provide assistance for budding local entrepreneurs and create a springboard for successful businesses that would otherwise never get off the ground.

Of course this is not something that Council with its current resources can do alone. It may be possible to put a case together for business sponsorship of such a proposal and representations could be made to our local Federal MP, Trent Zimmerman and State MP, Felicity Wilson for government support.

This would be a significant undertaking for Council and there are many factors to consider, not the least of which is cyber security.

Therefore, I move:

1.THAT a report be prepared on a proposal for Council to introduce a free high speed Wi-Fi network in North Sydney CBD. The report should address the feasibility and extent of such a network, cost, sponsorship/government assistance and security.

2.THAT Council seek the input of the North Sydney Innovation Network into this proposal.

3.THAT representations be made to our local Federal MP, Trent Zimmerman and State MP, Felicity Wilson for any government support and assistance that may be available for this proposal.

2. MM02: Restaurant Trading Hours and Small Bars in Neighbourhood Centre Zones

In 2012 trading hours for restaurants and café were reviewed by Council. Following that review in 2012 and 2013, Council considered a proposal to

rezone the Kirribilli Village to permit small bars as well as changes to the B1 Neighbourhood Centre zone in the local government area.

The final resolution of Council on 11 November 2013 regarding this matter was:

THAT Council note the Small Bars in the Kirribilli Village report.

THAT Council not pursue rezoning the Kirribilli Village.

THAT Council not pursue permitting small bars in the B1 Neighbourhood Centre zone throughout the LGA.

I believe the time has come to re-visit regulations regarding food and beverage trading hours.

Since 2013, the demographics of our LGA have changed and there is a greater expectation from our community that small bars, cafés and restaurants in neighbourhood centres will be open at times that are convenient to them.

When this matter was considered in 2012/13, no community consultation was undertaken.

I would like to give our community the opportunity to put their views forward and help determine whether the current provisions should be adjusted.

Therefore, I move:

- 1. THAT** public consultation be undertaken to gauge community expectation in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village and Milsons Point.
 - 2. THAT** a draft consultation strategy be reported to the legal and planning committee in May and include financial and resourcing implications.
 - 3. THAT** following the consultation period, a further report be submitted to Council.
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REPORTS

General Manager's Office

3. **GMO01: Matters Outstanding**

Report of Duncan Mitchell, Acting General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 19 February 2018 is presented.

Recommending:

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

City Strategy Division

4. **CiS01: Planning Proposal 1/17 – 617-621 Pacific Highway, St Leonards & Draft VPA – Post Exhibition Report (Deferred Matter)**

Report of Ben Boyd, Executive Strategic Planner

On 19 February 2018, Council considered a post exhibition report (refer to: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings/Council_19_Feb_2018) to Planning Proposal 1/17 which seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located 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 was also accompanied by a draft Voluntary Planning Agreement (VPA), with an offer to dedicate to Council two entire fitted out floor levels within the podium of a future development on the site for the purposes of an Arts Centre.

Council subsequently resolved:

1. *THAT Council defer consideration of this Planning Proposal pending provision of additional advice in relation to:*

- *further reducing the proposed variation to Council’s height control (below 50 storeys); and*
- *whether Council may legally confine the support of the variation to Council’s planning controls (consistent with the St Leonards/Crows Nest Precinct 2 and 3 Planning Study) to provision of the public benefits defined within the VPA and whether it is possible to resolve that the Planning Proposal (and variation to the controls) is revoked or terminates without the proposed public benefits outlined in the VPA being provided (notwithstanding the operation of any future State Infrastructure Contribution).*

2. *THAT Council urgently write to the Minister for Planning seeking an undertaking that if Council proceeds with the Planning Proposal the Minister will exempt the site from the application of any State Infrastructure Contribution on the basis that the defined public benefits within the VPA.*

3. *THAT these matters be reported back to the next Council meeting.*

This report addresses the issues raised in these resolutions.

Consistent with the recommendations to the 19 February 2018 report, it is recommended that Council resolves to forward the Planning Proposal to Parliamentary Counsel with a request that the Planning Proposal be made, subject to the removal of the requirement for the payment of a SIC.

Should the draft VPA be executed, it will result in the dedication to Council of two fitted out levels within a future development upon the site for the purposes of an Arts Centre to the approximate value of \$16,500,000 which is consistent with the desired future outcomes of the St Leonards/Crows Nest Planning Study for Precincts 2 and 3.

Recommending:

1. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal as attached to the report considered by Council on 19 February 2018 to Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 3.36 (formerly s.59) of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal, subject to the removal of the requirement for the payment of a State Infrastructure Contribution.

2. THAT Council finalise the Voluntary Planning Agreement with the view to have it in force prior to the gazettal of the LEP amendment.

3. THAT the negotiation of any minor amendments to the legal wording of the Voluntary Planning Agreement that are not of a policy nature be delegated to the General Manager

5. CiS02: Post Gazettal Report – NSLEP 2013 Amendment No. 22 (24 Cranbrook Avenue, Cremorne)

Report of Vera Xia, Student Strategic Planner

On 24 May 2017, Council placed an Interim Heritage Order (IHO) over 24 Cranbrook Avenue, Cremorne. The imposition of the IHO arose out of community concern about the potential loss of the original dwelling on the site to accommodate an 11 storey residential flat building as proposed under DA 75/17.

On 24 July 2017, Council resolved to adopt Planning Proposal 3/17 which sought to identify 24 Cranbrook Avenue, Cremorne as a heritage item under North Sydney Local Environmental Plan 2013 (NSLEP 2013) and forward the Planning Proposal to the Department of Planning and Environment in order to receive a Gateway Determination.

The Minister for Planning issued a Gateway Determination on 29 August 2017, permitting the Planning Proposal to be placed on public exhibition. Following the public exhibition, Council considered a post exhibition report on 30 October 2017 in relation to the Planning Proposal, wherein it resolved to forward the Planning Proposal unamended to Parliamentary Counsel with a request that an LEP be made giving effect to the Planning Proposal.

NSLEP 2013 (Amendment No. 22) gives effect to the Planning Proposal and is now in force following its publication on the NSW legislation website on 23 February 2018. The IHO ceased to take effect on 23 February 2018, as the coming into force of Amendment No. 22 gives the property a higher level of protection.

This report is for the information of Councillors.

Nil.

Recommending:

1. THAT the report be received.

6. **CiS03: Alfred Street Precinct Planning Study**

Report of Emma Booth, Team Leader Design

The Alfred Street Precinct is located on the eastern side of the Warringah Expressway and makes up the eastern edge of the North Sydney CBD. The precinct supports a mix of 3 storey commercial buildings, a 5 storey residential building and the prominent, 18-storey commercial “Bayer Building” at 275 Alfred Street.

On 20 February 2017 Council resolved:

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

A draft Planning Study for the Alfred Street Precinct has now been prepared by Council (Attachment 1). It puts forward a planning framework that may inform future changes to the planning controls that apply across the block. The study’s objectives are to:

- Establish a liveable, high amenity precinct that supports a good mix of commercial, mixed use and residential buildings;
- Ensure an appropriate transition to the surrounding low scale heritage conservation area;
- Support small businesses and start-ups locate near the North Sydney CBD;
- Improve the built form design, street level amenity and access across the block; and
- Provide public benefits that are commensurate with the zoning uplift.

The draft Planning Study proposes two mixed use buildings of approximately 26 storeys and nine storeys and a three storey commercial building fronting Alfred Street. To retain an appropriate transition to the heritage area, height is limited to three storeys along Little Alfred St. The proposed 26 storey tower is taller and more slender than the Bayer Building to limit overshadowing.

The proposed built form delivers a Floor Space Ratio (FSR) of 3.6:1 across the site. This is comparable to both the density of the existing block and the maximum development capacity under the existing planning controls.

The draft Planning Study proposes to support the redevelopment with the following public benefits:

- New pocket park between Alfred and Little Alfred Streets;
- New street setbacks and through site links; and
- Upgraded public domain.

It is recommended that the draft Planning Study is endorsed for public exhibition. This will enable both the landowners and the community to comment on the draft study and assist Council refine the proposal.

Nil. Funding implications for any new proposed pocket park that is negotiated as part of the scheme will be reported to Council at the planning proposal stage.

Recommending:

- 1. THAT** Council resolve to place the draft Alfred Street Precinct Planning Study on public exhibition for a minimum of 28 days;
 - 2. THAT** key stakeholders be consulted during the exhibition period; and
 - 3. THAT** a report be prepared for Council’s consideration accounting for submissions made and any resulting amendments to the Planning Study.
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7. **CiS04: North Sydney CBD Laneways – Engagement Outcomes**

Report of Neal McCarry, Team Leader Policy

This report provides an overview of the engagement outcomes and findings for the North Sydney CBD Laneways project. It details the engagement process, including promotion and awareness activities, feedback mechanisms, the level of community participation in the process and presents key findings and issues. Draft concept plans were considered by Council at its meeting of 30 October 2017 and endorsed for the purposes of public consultation. Public consultation occurred between 16 November 2017 and 21 January 2018. Exhibition information and activities included draft concept plans, artist's impressions, on line and intercept surveys, mail-out and newspaper advertisement. The community response to the concept plans was generally positive with some concerns expressed in relation to the need to service shops and businesses via convenient loading and delivery areas as well as impacts of disruption during construction.

The formal approval of the Roads and Maritime Services (RMS) of various proposed on-street changes, is still required. These include the pedestrianisation of much of Denison Street, traffic direction changes in Little Spring Street, and a significantly altered environment in Mount Street. The RMS has previously indicated its preference to consider these matters at the Traffic Committee with the benefit of initial consultation having been conducted by Council. This consultation has now occurred and will help inform design refinements before returning for consideration by the North Sydney Traffic Committee within the next three months.

In order to fully realise the overall Laneways Masterplan it is important to note the role of the future Metro site and the current access arrangements into the MLC building (105 Miller Street) off Denison Street. To achieve the desired level of pedestrianisation along and up Denison Street it will be necessary to provide a basement level vehicular access route through the commercial component of the future Metro site. This will allow a free flow of pedestrian egress out of the Metro site to both the 1 Denison Street development and the wider precinct. It will also have the added benefit of providing opportunities for a greater level of retail activation and dining opportunities in the area currently devoted to 'back of house' servicing of the MLC building. Council officers have been working with both NSW Metro and MLC representatives to explore this outcome.

The approval of development at 1 Denison Street includes a Section 94 requirement to contribute approximately \$8 million. Through the "works-in-kind" provisions of Council's Section 94 Contributions Plan, the developer is currently seeking to provide some of the value of this contribution as physical public domain improvements. Any agreement reached will achieve economies of scale and a more timely delivery of improvements, compared with payment of a monetary contribution to Council. Such a contribution is unlikely to deliver the entire laneway upgrade and Council will need to fund a component of this work in future financial years. Similarly, works are required to be undertaken adjacent to nearby 100 Mount Street which will likely be completed prior to the other major projects in the precinct. Funds may also be at least partly derived from alternative sources such as developer contributions as well as the

development of the Metro site. The exact costing of this is yet to be determined but is expected to be significant and likely to be required in the 2018/19 financial year. Due to the challenges within the precinct of on-going construction, further resolution of the potential staging of the works is also required.

Recommending:

1. **THAT** Council receive and note the outcome of the consultation undertaken.
2. **THAT** Council endorse the concept plan for the purpose of progressing to the next phase of more detailed design, noting the need to address concerns relating to loading arrangements in and around the precinct.
3. **THAT** Council continue to liaise with the RMS to resolve detailed design issues and that the next stage of design be presented to Council's Traffic Committee.
4. **THAT** further investigation and consideration be given to appropriate staging of the public domain works so as to allow for the efficient completion of the Metro project and provision of a safe and functional high quality public domain in and around the precinct.
5. **THAT** Council recognise the essential role that the combining of driveways between the existing MLC building and a future Metro building will play in enabling the pedestrianisation of Denison Street and that Council continue to work towards facilitating this outcome.

8. **CiS05: Planning Proposal 4/17 – 41 McLaren Street, North Sydney – Rezoning Review Outcome and Planning Proposal Authority Offer**

Report of Ben Boyd, Executive Strategic Planner

On 1 September 2017, Council received a Planning Proposal, and accompanying draft Voluntary Planning Agreement (VPA), to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 41 McLaren Street, North Sydney. In particular, the Planning Proposal sought to:

- Amend the Height of Buildings Map in NSLEP 2013 to allow for a building height of up to RL 226m AHD (a 126m increase); OR
- include a site specific clause under Division 2 to Part 6 – Additional Local Provisions of NSLEP 2013 allowing for a development up to RL 226m, where the development satisfies requirements of heritage conservation and public domain improvements.

On 8 December 2017, the applicant submitted a request to the Department of Planning and Environment (DPE) for a Rezoning Review, due to Council not having made a determination as to whether the Planning Proposal should proceed to Gateway Determination within 90 days.

On 19 February 2018 Council considered an assessment report (https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings/Council_19_Feb_2018) in relation to the Planning Proposal, wherein it subsequently resolved not to progress the Planning Proposal to Gateway Determination, subject to a number of conditions.

On 7 March 2018, the Sydney North Planning Panel (SNPP) heard the Rezoning Review and subsequently resolved on 9 March 2018 for the Planning Proposal to proceed to Gateway Determination contrary to Council's position. The SNPP

also sought Council's position as to whether it would accept the role of Planning Proposal Authority in the progression of the Planning Proposal.

This report recommends that whilst the SNPP's resolution is contrary to Council's position, that Council accept the role of the Planning Proposal Authority to retain control of the plan making process. This will enable Council to have greater management of the content and quality of information provided in the Planning Proposal prior to it being placed on public exhibition. In addition, it would enable the progression of the Planning Proposal to be considered concurrently with the outcomes of the revised Ward Street Masterplan.

It is also recommended that Council write to the DPE requesting that they not issue a Gateway Determination due to the SNPP not having considered Council's assessment report. However, should a Gateway Determination be issued, it is recommended that Council request that the DPE include the conditions outlined in the recommendations below.

Nil.

Recommending:

1. **THAT** Council accept the role of the Planning Proposal Authority for the Planning Proposal affecting land at 41 McLaren Street, North Sydney.
2. **THAT** Council write to the Department of Planning and Environment:
 - a) with a request that they not issue a Gateway Determination in relation to the Planning Proposal, due to the Sydney North Planning Panel not giving due consideration to Council's assessment report during the Rezoning Review Process and that a site specific proposal leading a more holistic, comprehensive (and imminent) strategic planning process represents fundamentally poor planning; and
 - b) that if the Department is of a mind to issue a Gateway Determination, then conditions be added to any Gateway Determination requiring that the:
 - i) timing of public exhibition of the Planning Proposal occur concurrently with the future Planning Proposal for the Ward Street Precinct;
 - ii) public exhibition of the Planning Proposal only proceed if it is demonstrably consistent with Council's draft Ward Street Masterplan as is endorsed for public exhibition;
 - iii) public exhibition of the planning proposal be deferred until a satisfactory arrangement is reached between Council and the applicant with regard to the offer under the Voluntary Planning Agreement; and
 - iv) planning proposal is to be amended such that it reflects the preferred approach as outlined in Council's report of 19 February 2018 to include a revised local provision and an incentive heights map.

Community & Library Services Division

9. **CLS01: Shorelink – Deed of Variation to Contract for Provision of a Library Management System (LMS)**

Report of Rebecca Aukim, Manager, Library Services

The Shorelink Library Network's contract 7-2013 for provision of a Library Management System (LMS) expires in June 2018. Due to the complexity of the work required by Shorelink to allow for the separation of Manly Library, also in June 2018, in order to join with its parent library service (the Northern Beaches Council) it is not recommended that the remaining Shorelink Councils go to tender for a new LMS at this time.

Negotiations with the current supplier have been finalised and the LMS will be provided for a further 12 months on the same terms and conditions. It is recommended that a Deed of Variation of Contract 7-2013 be entered into for 2018/19.

Costs have been provided for in each Council's draft estimates for 2018/19.

Funding for the project is appropriate.

Recommending:

1. **THAT** the Minutes of the Shorelink Library Network meeting held on 21 February 2018 be endorsed.

2. **THAT** Council hereby authorises its Official Seal to be affixed to Deed of Variation to Contract 7-2013 under the signature of the Mayor and the General Manager.

10. **CLS02: Review for 2016/17 of the North Sydney Community Centre Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

North Sydney Community Centre's Annual Report 2016/17 is presented here in fulfilment of the objectives of the Joint Plan of Management 2017-21. In the functional areas identified in the Plan it can be noted that:

- Financial management was again sound with higher than expected retained earnings for the third year in a row.
 - Council's cash subsidy for the Centre in 2016/17 was \$75,529 and the Centre also received a NSW Government grant of \$103,554.
 - It is noticeable that while the market income remained steady, expenses were up, indicating a settling-in period for the revitalised second market is ongoing. Markets are held every fortnight and continue to be a cultural highlight in the North Sydney calendar.
 - 105 children per day were cared for after school.
 - The most significant supported playgroup on the Lower North Shore, the Centre's Explorer's Playgroup, performed strongly, with for example 172 children attending the Guringai Festival performance.
 - 5,477 students attended 523 classes held through the year, including in creative music and dance, food and beverage, lifestyle and technology, health and well-being and language and travel.
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The Centre's performance and financial results will be taken into account in the 2018/19 Grants and Subsidies program recommendations.

Recommending:

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

11. **CLS03: Review for 2016/17 of The Kirribilli Centre Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

The Kirribilli Centre's (TKC's) Annual Report 2016/17 is presented here in fulfilment of the objectives of the Joint Plan of Management 2017-19. It can be noted that:

- Financial management is the Centre's main challenge due to loss of income from Bradfield Park Community Centre Programs, a Commonwealth program.
- Council's cash contribution for the Centre in 2016/17 was \$50,700 and the Centre also received \$389,701 in Commonwealth Grants.
- A partnership between the Centre's markets and the Smith Family has meant that since 2014, 43,000 kg of recycled clothes (81% re-usable) have been redirected from landfill.
- The Centre facilitates market visitors using the Luna Park parking station by making bookings possible through the KC booking system, with an average of 25 cars pre-booked each market.
- The Centre continues to host groups, clubs, and provides adult education classes, as well as an events program.
- The Centre's strategic partnership with NSW TAFE continues, allowing students with a developmental disability to train in hospitality services at the KC Café.
- The Centre hosts the Blue Knot Foundation which continues its important work supporting victims of child abuse.

The Centre's performance and financial results will be taken into account in the 2018/19 Grants and Subsidies program recommendations.

Recommending:

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

12. **CLS04: Review for 2016/17 of the Crows Nest Centre Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

The Crows Nest Centre's Annual Report 2016/17 is presented here in fulfilment of the objectives of the Joint Plan of Management 2017-20. In the functional areas identified in the Plan it can be noted that:

- Financial management: a deficit for the year has been posted of \$7,929.
- Council's grant of \$394,240 was complemented by State and Federal grants of \$560,448.
- The Home and Community Care (HAAC) program has been replaced by the Commonwealth Home Support Program (CHSP). The Centre's service

types and outputs have been renegotiated and a new funding agreement signed.

- The new CHSP service types are: Meals on Wheels and community restaurant, domestic assistance (linen service and phone/assisted shopping), social support for individuals (volunteer assisted shopping and transport, friendly home visiting) and social support groups (recreational activities such as indoor bowling, knitting, canasta, mah-jong, bus outings, healthy ageing classes, special events, socialising in the Pat Brunton Room, and Chinese seniors).
- The Centre remained active in working with new communities, offering English conversation classes, employment workshops, homework help for children of new arrivals, Persian morning tea and Japanese and Spanish parent groups.

The Centre's performance and financial results will be taken into account in the 2018/19 Grants and Subsidies program recommendations.

Recommending:

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

13. **CLS05: Review for 2016/17 of the Primrose Park Art and Craft Centre Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

The Primrose Park Art and Craft Centre's Annual Report 2016/17 is presented here in fulfilment of the objectives of the Joint Plan of Management 2017-19. In the functional areas identified in the Plan it can be noted that the Centre concluded 2016/17 with five active groups: Basketry, Calligraphy, Paper Arts, Photography and Painting (the newest group, joining in 2016). Membership stands at 218 locals actively participating in the programs. Many more residents are involved in the Centre through Open Days and workshops. Details on the activities throughout the year are given in their 2017 Annual Report provided here.

They include a 2-day basketry workshop with international tutors Mary Hettsmansperger and Judy Dominic; group, exhibitions: in the Centre (all groups), in the Hutley Hall; exhibitions at the State Library of NSW, Darling Harbour, St Ives Medieval Faire, the Royal Easter Show (Calligraphers); Shadow and Light exhibition at the Palm House Gallery in the Royal Botanic Gardens (Paper Arts); Bird Wildlife Photography Day with North Sydney Council's Bushcare (photographers) and mentoring workshops by Jan Cristaudo (Painters: Artists in the Park).

Following a small surplus in 2016 the Centre posted a smaller one for the year under review of \$2,888. This took into account the Centre's sponsorship of \$1,000 of an award in the North Sydney Art Prize. The Centre operates without any cash donation from Council.

The Centre's performance and financial results will be taken into account in the 2018/19 Grants and Subsidies program recommendations.

Recommending:

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

14. **CLS06: Review for 2016/17 of the May Gibbs' Nutcote Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

May Gibb's Nutcote's Annual Report 2016/17 is presented here in fulfilment of the objectives of the Joint Plan of Management 2017-19.

The Museum records a consistent annual deficit. This was not an operational deficit and is in line with depreciation. For 2016/17 the deficit was \$10,793.

In the year under review the Museum marked the 100th Anniversary of a number of May's books. During the year the Museum closed for two months to allow Council to make much needed repairs to the house. Council compensated the Trust for this closure by a temporary increase in its grant.

In addition, the Board was renewed. The Board's year was dominated by development of a new Constitution, with Council assisting. Chair Dylan Young, Lucy Nasser and others are to be thanked for their patience through this complex process. The Centre's new Board, under Chair Courtney Fox and Treasurer Jo-Anne Avellano have met with Council on several occasions recently. Firstly, to shepherd the Centre through a brief closure in 2017 to allow for filming of the Bruce Beresford production *Ladies in Black*. This time, compensation for the closure was provided by the film company. The second meeting was to consider strategies for the Museum to meet some of its strategic goals in the coming 12 months.

The Centre's performance and financial results will be taken into account in the 2018/19 Grants and Subsidies program recommendations.

Recommending:

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

Corporate Services Division

15. **CoS01: Investments and Loan Borrowings Held as at 28 February 2018**

Report of Garry Ross, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 28 February 2018.

Investment Portfolio:

The portfolio provided an annualised return of 3.37% for the year to date as at 28 February 2018, 1.64% 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.

Recommending:

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

16. **CoS02: Legal and Planning Committee Minutes – 5 March 2018**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 5 March 2018, for Council adoption. The minutes are attached for information.

Nil.

Recommending:

1. **THAT** the Current Appeals and Results – March 2018 report be received.

2. **THAT** the State Heritage Nomination for 'Brett Whiteley House and Visual Curtilage' report be received.

17. **CoS03: Councillor Workshop - Finance: Actions Arising – 12 March 2018**

Report of Garry Ross, Financial Services Manager

This report presents the actions arising from the Workshops held on 12 March 2018. Actions arising will be addressed at the next Workshop.

Recommending:

1. THAT the summary of actions arising from the Councillor Workshop - Finance held on 12 March 2018 be noted.

18. CoS04: 2018 Meeting Schedule – Reference Group Meetings

Report of Ian Curry, Manager Governance and Committee Services

At its meeting on 20 November 2017, Council adopted the schedule of meetings for 2018 and resolved, in part:

2. THAT an updated Schedule of Meetings for 2018 be prepared following the review of Council's Committees, Reference Groups and Working Groups.

It was intended that the review referred to in the above resolution would be made in conjunction with the review of the Community Strategic Plan, which has not yet been completed.

This report recommends the scheduling of a series of Reference Group meetings prior to the review.

Nil.

Recommending:

1. THAT the revised Schedule of Meetings for 2018 be adopted.

2. THAT if there are no items for consideration at the time the agendas for any of these Reference Group meetings are being prepared, the meetings be cancelled in consultation with the General Manager and Chair/s.

Engineering & Property Services Division

19. **EPS01: Council Owned/Leased Properties: Leasing Transactions**

Report of Damian Warren, Property Officer

A report is submitted regarding the leasing transactions for Council's owned and leased properties, for the period ending 8 March 2018.

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

Recommending:

1. **THAT** Council notes the leasing transactions, which are detailed in 'Attachment A' of this report.

2. **THAT** Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to implement the proposed leasing transactions which are noted in "Attachment A" of this report, under the signature of the Mayor and the General Manager.

20. **EPS02: Submission of Tenders for North Sydney CBD Public Domain Upgrade – Contract 21/2018 – Separable Portion B**

Report of Ashraf Doureihi, Engineering Project Manager

Tenders were called and were received until 4pm 16 January 2018 for the submission of public domain upgrade works in the CBD.

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 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 21/2018 – North Sydney CBD Public Domain Upgrade for Separable Portion B – Pacific Highway between Miller St and Walker St southern side.

2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 21/2018 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*.

21. **EPS03: Construction of Bannerman Street & Murdoch Street Intersection Works –Tender 22/2018**

Report of Robert Esdaile, Engineering Project Manager

Tenders were called and were received until 4pm, 30 January 2018 for the submission of tenders to construct intersection improvements in Bannerman and Murdoch Streets, Cremorne.

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 22/2018 – Construction of Bannerman Street & Murdoch Street Intersection Works.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 22/2018 under the signature of the Mayor and 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*.

22. EPS04: Road Surfacing, Patching and Associated Works – NSROC Tender 17/19

Report of Edward Wong, Contracts Manager

Public tenders were called and were received at 2:00 pm on 5 October 2017 to undertake Road Surfacing, Patching and Associated Works.

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

Funding for this project was included in the four-year delivery program.

Recommending:

1. THAT Council accept the tenders of the six highest ranked Tenderers shortlisted into the panel for the Supply, Delivery and Laying of Asphaltic Concrete under the NSROC Contract 17/19 – Road Surfacing, Patching and Associated Works.

2. THAT Council accept the tenders of the four highest ranked Tenderers shortlisted into the panel for Heavy Patching under the NSROC Contract 17/19 – Road Surfacing, Patching and Associated Works.

3. THAT Council hereby authorises its Official Seal to be affixed to Contract NSROC 17/19 under the signature of the Mayor and the General Manager.

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

Open Space & Environmental Services Division

23. **OSE01: Draft Landscape Masterplan for St Leonards Park Plan of Management – Post Exhibition**

Report of Megan White, Landscape Architect/Planner

Prepared with extensive community and stakeholder involvement, the new low-intervention draft Masterplan for St Leonards Park imagines how the park could look and function in the future.

Public exhibition of the draft Landscape Masterplan commenced on 24 October 2017 and concluded on 2 February 2018. The public exhibition was widely advertised, and known stakeholders and the general community were informed and encouraged to comment. Feedback received to date indicates very high levels of satisfaction with the project process as well as the guiding principles and design ideas.

A total of 70 written submissions were received. This report sets out the content of the submissions and the alterations it is proposed to make to the draft Landscape Masterplan for St Leonards Park as a result. The report also describes the key features of the new draft Landscape Masterplan and outlines a proposed program for implementing the works, in priority order.

The effective implementation of the Masterplan will be staged and undertaken over a number of years as funding becomes available

Recommending:

1. THAT Council formally adopts the draft Landscape Masterplan for St Leonards Park.

24. **OSE02: Waste Tender and Community Engagement Outcomes**

Report of Bo Karaula Waste Management Coordinator

This report provides an overview of the community engagement findings in the lead up to the waste collection and disposal tender renewal process. The community engagement period commenced 13 December 2017 and concluded 28 January 2018. The purpose of the community engagement process was to measure awareness of, and satisfaction with existing waste and recycling services, and to understand attitudes towards potential changes in future service delivery. In accordance with Council's Community Engagement Protocol, two ways by which residents could have a say were offered - a survey and by general submissions. The findings will be used to inform the requirements of the collection service and disposal specifications and of the waste collection and disposal tender.

Community satisfaction of Council's waste services remains high following the recent consultation. This is also consistent with the findings of Council's periodic Customer Satisfaction Survey. In particular, the result of Council's recent 2016 Customer Satisfaction Survey of all Key Council Areas revealed that 84% of respondents indicated they were satisfied with the waste and recycling collection services.

There were some concerns raised that the consultation period was short and ill-timed. However, it should be noted that this was dictated to by the delay in commencing the tender renewal process, resulting from the proposed Council amalgamations. As a consequence, this has restricted the time required to prepare for the new collection contract. Council's current Waste and Recycling Collection Contract operated by United Resource Management (URM) expires on 1st of July, 2019. Due to the requirement for specialised plant and equipment to be procured by the successful tenderer it is imperative that the tenderers be afforded ample time to order, obtain and commission the new equipment prior to the commencement date of 1 July 2019. In most similar Local Government Contracts at least 12 months lead time is required to prepare for a new contract. The Waste Disposal Contract also expires on the 1st of July 2019, however there is minimal lead time required as the infrastructure and resources for the disposal and processing points are established.

The report also addresses a proposal to seek a joint tender with Mosman Council for the disposal and processing of mixed solid waste, green waste and bulky household clean-up.

The recommendations made herein are based on the review of the current services in line with the NSW State Government's Waste Avoidance and Resource Recovery Strategy targets, Industry standards and best practice methods for waste management in local government.

The cost of the engagement process was \$22,876.20 exclusive of GST (consisting of \$18,500 consultant fee for the two surveys and \$4,376 for flyer printing and distribution) plus Council's internal staff costs and cost associated with use of Council's engagement platform. The engagement process was paid for by the existing allocation in the adopted 2017/18 budget.

The estimated cost to run the tender process for both the waste collection and disposal contracts based on North Sydney tendering without the involvement of Mosman Council is approximately \$50,000 exclusive of GST, including consultants and solicitor fees. This will be funded from the DWM Budget. There may be an additional \$7,000 charge to refer the joint tender application to the ACCC which will be shared between the two Councils.

Any potential benefit to North Sydney's disposal and processing rate should the joint tender approach with Mosman Council be accepted will be known on the receipt of tenders.

Recommending:

1. **THAT** the Waste Tender - Engagement Outcomes report be received.
 2. **THAT** the current use of 60 litre handbins for the storage and collection of waste be replaced with an 80 litre mobile garbage bin as the standard for the new waste and recycling collection contract.
 3. **THAT** the current 7pm Sunday cut off time for general household and greenwaste clean-up bookings be moved to 4.00pm Sunday and this be included in the tender specification for the waste and recycling collection contract.
 4. **THAT** the current household and greenwaste clean-up collection schedule and frequency remain unchanged for the new collection contract
 5. **THAT** Council seek a joint open tender with Mosman Council for the disposal and processing of mixed solid waste for a Contract term of 7 years plus options to extend by a further period of 3 years.
-

6. **THAT** Council apply to the Australian Competition and Consumer Commission for authorisation for joint purchasing of waste disposal services with Mosman Council.

7. **THAT** Council call for open tenders for the provision of garbage and recycling collection services and the operations of a call centre for residents of the North Sydney Local Government Area for a period of 7 years plus options to extend the term by a further period of three years.

25. **OSE03: Watt Park Access Stair Upgrade – Community Consultation**

Report of Alicja Batorowicz, Landscape Projects Coordinator

This report is reporting the history of the Watt Park Access Upgrade project and the outcomes of the community consultation undertaken.

The works will be delivered within the Council approved budget for this project.

Recommending:

1. **THAT** Council adopts Option 4 as the preferred option for construction of the Watt Park steps.

2. **THAT** the community members whom have made submissions on this project be informed of the Council decision.

PETITIONS

26. P01: Residents of Folly Point, Cammeray

A petition with 27 signatures has been received from the Residents of Folly Point, Cammeray regarding the construction of sandstone planter beds on Councils road reserve adjacent to 5 Folly Point Road, Cammeray.

The petition is referred to Council.

CORRESPONDENCE

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

27. NoM01: Notice of Motion No. 1/18 by Cr Drummond – 21/03/18

Re: Motorcycle Parking in North Sydney

1. **THAT** Council conduct a motorbike parking audit.
2. **THAT** Council seek information from the Roads and Maritime Services (RMS) to establish how many motor bikes and scooters are registered to residents within the North Sydney municipality.
3. **THAT** Council identify any unutilised or underutilised space that may be suitable for free motorcycle parking.

Background

Council's last motorbike audit was in August 2009. That audit recorded that from January 2004 to July 2006 there was a 73% increase in the number of motorbike parking spaces and from January 2004 to August 2009 there was a 312% increase in the number of motorbike parking spaces.

There has been no recorded data since 2009 so it is timely for Council to conduct a fresh audit.

As traffic in Sydney becomes more difficult to navigate, commuters are increasingly switching from cars to motorbikes and scooters. Lack of parking remains one of the main areas of dissatisfaction of our residents and rate payers.

Five or six motorbikes can be accommodated in one car parking bay. So therefore those who commute by motorbike are helping to reduce pressure on parking in North Sydney.

The City of Sydney has a motorbike friendly policy whereby motorbikes can park in metered areas free of charge free of charge however parking restrictions must still be observed.

It may be useful to compare the City of Sydney's policy to North Sydney Council policy to ascertain whether there are any elements of the policy that would be beneficial to adopt.

28. NoM02: Notice of Motion No. 2/18 by Cr Baker – 21/03/18

Re: Vale Elizabeth Jardine

1. **THAT** Council write to Jeff, Alexander and Charlotte Morris extending condolences on the passing of Elizabeth Jardine.

Background

Elizabeth was born in 1966 at The Mater Hospital at Wollstonecraft and grew up in Neutral Bay, attending Middle Harbour Public, Neutral Bay Public and North Sydney Girls High Schools. She had a gift for languages, being fluent in Japanese and French and first lived in Japan at the age of 19. She graduated from the University of Sydney with Degrees in Arts and Law and was admitted as a Solicitor of the Supreme Court of NSW in 1991. She later studied part time for a Masters of Laws from Sydney University while working as an international flight attendant with Qantas. She realised her lifelong ambition to study at Harvard, graduating with a second Masters of Laws in 1997 specialising in negotiation theory and alternative dispute resolution. After staying a further year at Harvard as a Pedagogical Rapporteur she worked for several years for international consulting firms in Boston, London and Paris, before returning home to start a family.

Gentle and kind, loved by all who knew her, she was a devoted wife to former councillor Jeffrey Morris and mother to Alexander and Charlotte. She met her diagnosis with quiet dignity and a determination to live each day to the full with her family. Elizabeth lived in the North Sydney local government area and Waverton, in particular for much of her life. Our community mourns her premature loss.

QUESTIONS WITH NOTICE**29. Q01 – Chairperson of Sydney North Planning Panel (formerly JRPP) – Cr Baker – 21/03/18**

Has Local Government NSW advised Council whether it was consulted in relation to the appointment of the Chairperson of the Sydney North Planning Panel pursuant to s2.14 of the *Environmental Planning and Assessment Act 1979*? If so, did Local Government NSW give its concurrence to the appointment? Was Council consulted by Local Government NSW prior to any such concurrence being given to the Minister?

30. Q02 – Public Art Acquisitions – Cr Beregi – 21/03/18

Could Council please advise the number and nature of all public art acquisitions made by Council since 2012?

31. Q03 – Before and After School Care – Cr Beregi – 21/03/18

What is the current maximum capacity for Before and After School care (OOSH care) in the North Sydney Local Government Area?

32. Q04 – Cricket Nets – Cr Beregi – 21/03/18

Could Council please advise how many cricket nets are currently available in the North Sydney Local Government Area?

33. Q05 – Fitness Businesses in North Sydney LGA – Cr Beregi – 21/03/18

Could Council please advise how many gymnasiums/fitness centres/bootcamps/personal training businesses and the like, (both large chains as well as small operators), operate in or provide a service for residents/employees/ratepayers of the North Sydney Council Local Government Area?

QUESTIONS WITHOUT NOTICE
