



Council Chambers
1 December 2016

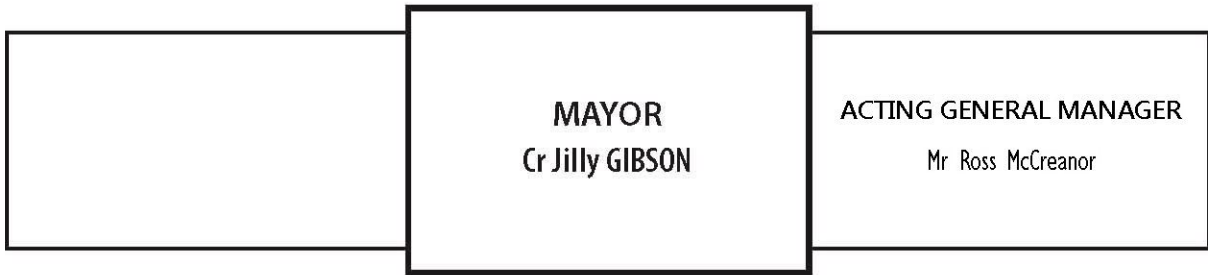
The **3687th MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.00pm** on Monday, 5 December 2016. The agenda is as follows.

**ROSS MCCREANOR
ACTING GENERAL
MANAGER**

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

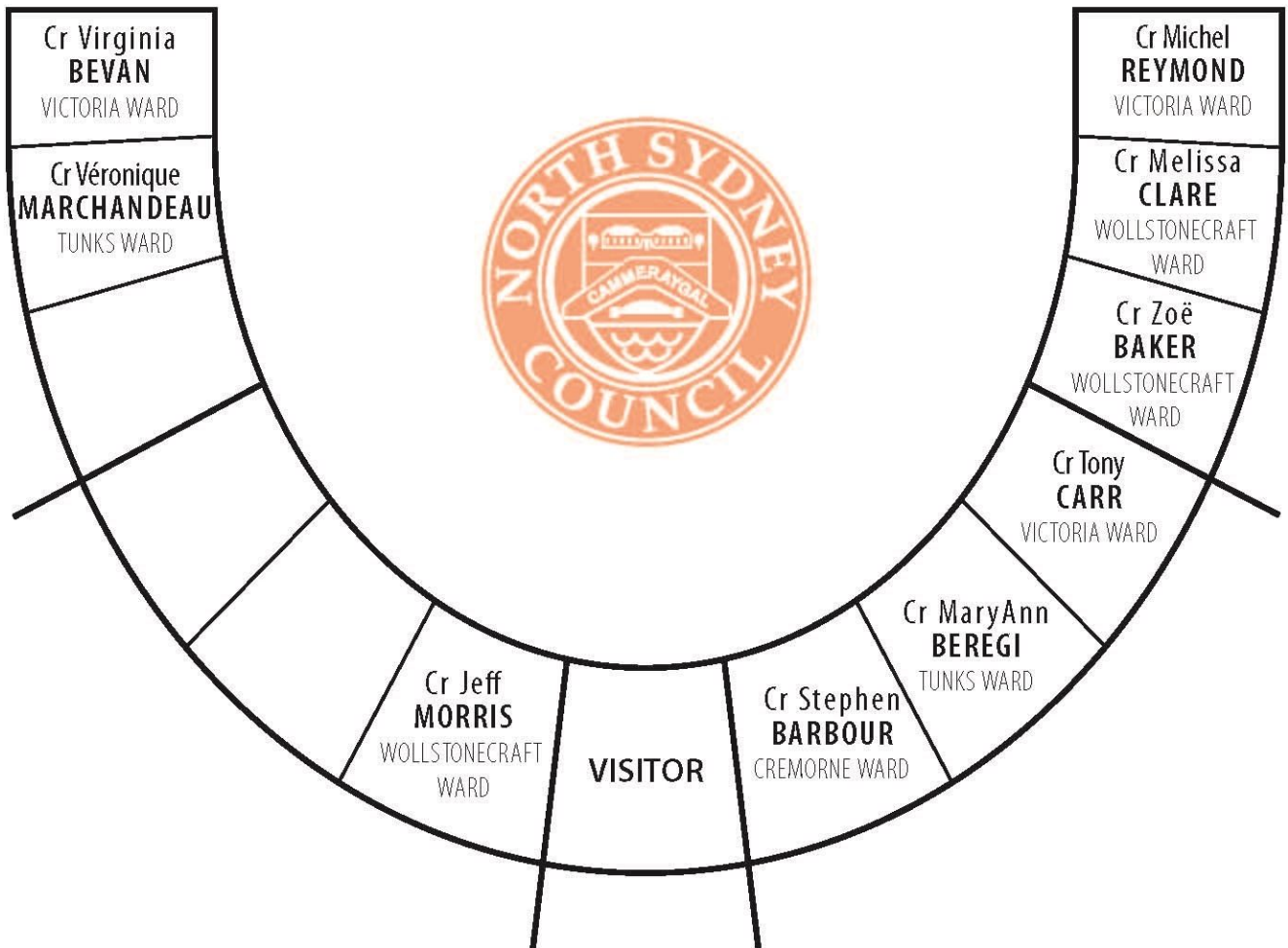
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - **MATTERS BROUGHT FORWARD**
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**
 - **MINUTES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

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



COUNCIL OFFICERS

DIRECTOR Open Space & Environmental Services Mr Robert Emerson	DIRECTOR Community & Library Services Mr Martin Ellis	DIRECTOR Engineering & Property Services Mr Duncan Mitchell	DIRECTOR City Strategy Mr Joseph Hill	MANAGER	CHIEF OPERATING OFFICER Mr Adrian Panuccio
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PUBLIC GALLERY



Explanatory Notes for Members of the Public Attending Meetings

1. Council meetings comprise the full membership of the Council with a quorum of six Councillors. Ordinary Council meetings consider reports from all Divisions of Council.

2. The Chairperson shall be the Mayor or, in her absence, the Deputy Mayor.

3. A recorded message listing all items on the agenda is placed on the Agenda Information Line (9936 8188) after midday on the Thursday before a Council meeting. Reports are published on Council's website (www.northsydney.nsw.gov.au) by close of business on the **Thursday** before the meeting or printed copies may be viewed at Stanton Library or the Council Chambers.

4. Members of the public wishing to address Council or have an item brought forward may register by telephoning the Council (9936 8115) by 5.00pm on the day of the meeting or by speaking to the officer who is present in the foyer outside the Council Chamber from 6.40pm to 6.55pm.

5. As the Chairperson calls the brought forward items on the agenda, speakers are invited to take their place at the foot of the Councillors' table. When you are called to speak, you must identify yourself by name and address or professional status. When you have made your address, the Council may wish to ask questions of you, after which you should resume your seat in the Gallery.

6. The following points should be noted by members of the public wishing to address Council:

- Addresses must relate to an item on the agenda.
- Addresses should be limited to three (3) minutes.
- Addresses should be made to "Mayor and Councillors".
- If you have previously addressed the Council on the subject then any further address must be made to present new information **ONLY**.
- Groups, or persons wishing to present similar points of view, should nominate a spokesperson and not address the Council individually.
- All questions and comments are to be addressed through the Chairperson.
- Having made your address and answered any questions put to you by the Councillors, you may take no further part in the debate.
- No written submissions or documentation may be presented to the meeting without a resolution of Council
- Members of the public are asked not to make insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

7. When all representations have been heard, the Chairperson will ask for a motion to determine the matter.



Explanatory Notes for Members of the Public Attending Meetings

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

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

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

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

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

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

TO: The Mayor, Jilly Gibson and Councillors Reymond, Carr, Bevan, Barbour, Morris, Clare, Baker, Marchandean, Beregi.

**SUBJECT: 3687th MEETING OF COUNCIL TO BE HELD ON MONDAY,
5 DECEMBER 2016**

THAT THE MINUTES of the previous 3686th Council Meeting held on Monday, 21 November 2016 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

REPORTS

General Manager's Office

1. **GMO01: Matters Outstanding**

Report of Ross McCreanor, Acting General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 21 November 2016 is presented.

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

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

Recommending:

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

2. **GMO02: Code of Conduct Statistics Report**

Report of Adrian Panuccio, Chief Operating Officer/Complaints Coordinator

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government by 31 December 2016.

Costs incurred through the administration of the code of conduct is down from \$145,572 in the previous reporting period to \$81,493. Further, the number of code of conduct complaints received is down from 28 in the previous reporting period to 10.

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 Code of Conduct Statistics Report be received.

3. **GMO03: Membership of Local Government NSW and Next Steps**

Report of Peter Coulton, Executive Officer, Organisational Performance

This report requests Council nominate two Councillors to form a steering group, along with the Acting General Manager, in accordance with Notice of Motion 43/16 adopted 24 October 2016.

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

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

Recommending:

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

City Strategy Division

4. **CiS01: Modifications 6 and 7 to approved commercial building at 77-81 Berry Street, North Sydney, now known as 1 Denison Street, North Sydney**

Report of Geoff Mossemeneer, Executive Planner

Winten Property Group is seeking two modifications to Project Approval MP08_0238 pursuant to Section 75W and Clause 12 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EPandA Act), relating to the approved commercial building at 77-81 Berry Street, North Sydney, now known as 1 Denison Street, North Sydney.

The two modifications are intertwined and involve changes to the building envelope including additional height and floor space, changes to vehicle and pedestrian movements, deletion of public parking within the basement carpark. This relationship is discussed in detail later in this report.

Council is required to provide comment to the Department of Planning and Environment by 19 December 2016. A summary of the proposal and the issues are outlined in the report. Any concerns raised by Council will be forwarded to the Department to consider in their assessment of the proposal.

There is a loss of 40 on street parking spaces, 27 of which are metered. This equates to approximately \$200,000 per annum in foregone revenue.

The previous approved 42 car space public parking within the basement was to be subject to a profit sharing arrangement. The proposed scheme would see this arrangement voided with an associated loss revenue (not quantified as yet).

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

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

Recommending:

1. THAT Council acknowledges that Modifications 6 and 7 seek to deliver an improved design that better responds to the changed context of the site, specifically the new Victoria Cross Metro Station and Council's recent strategic planning, whilst at the same time providing an improved outcome for the residents of the Beau Monde building.

2. THAT Council note that detailed plans for the significant streetscape and traffic modifications are not presented in their final form, and that the application includes proposed conditions requiring:

- a. Streetscape improvements to Denison Street, Spring Street, Little Spring Street, and the new laneway (between Little Spring Street and Denison Street), in accordance with the approved plans, to be designed to the satisfaction of Council's Director of Engineering and Property Services,
- b. Traffic modifications to Denison Street, Spring Street, Little Spring Street and the new laneway, in accordance with the approved plans, to be designed to the satisfaction of Council's Director of Engineering and Property Services. The

proposed modifications shall be submitted to, and approved in writing by the North Sydney Traffic Committee.

3. **THAT** the Department of Planning and Environment be advised that Council:
 - a. does not support the previously approved 42 space public car park on site being replaced by car share parking and tenant parking,
 - b. does not agree to the loss of 40 on street car spaces without an appropriate offset being provided for on site,
 - c. seeks reinstatement of the public parking to offset the loss of on street parking for a minimum of 40 spaces.
4. **THAT** the Department of Planning and Environment be advised that the under-provision of bicycle parking, particularly for a significant commercial development in the heart of the North Sydney CBD, will undermine the intent of Council's DCP and transport policies.
5. **THAT** Council identify any other issue that the Department of Planning and Environment should have regard to in its determination of the applications.

5. **CiS02: Crows Nest Placemaking and Principles Study**

Report of Emma Booth, Team Leader Design

Following the announcement of the Crows Nest Metro Station in November 2015, Crows Nest and St Leonards have come under a significant amount of interest from the development industry and the State Government. It is recognised the metro station has the potential to be a catalyst for positive urban renewal that yields significant economic, social and environmental benefits. However, given the fine grained 'village' nature of Crows Nest and the already built up form of St Leonards, any development as a result of the metro must be carefully planned and supported by much needed public domain and social infrastructure.

Future growth in Crows Nest and surrounds will now be determined through the Department of Planning & Environment's 'Priority Precinct' investigation into St Leonards, Crows Nest and Artarmon industrial area. The Minister for Planning announced this investigation on 7 July 2016 and work is now underway.

One month prior to the Minister's announcement, on 14 June 2016, Council had resolved:

1. *THAT Council notes the feedback and the key themes from the Stage 1 consultation of the Crows Nest Planning Study.*
2. *THAT Council proceeds to Stage 2 of the Crows Nest Planning Study taking into account the stakeholder feedback received.*

'Stage One' involved an extensive consultation process in March - May 2016 that yielded over 1000 responses concerning the community's aspirations for the area. 'Stage Two' was to be a comprehensive planning study, however the purpose and scope of this work has been called into question following the Department's own investigation.

Based on the 1000+ community survey results and four years' worth of strategic planning work by Council on the *St Leonards/Crows Nest Planning Study* (2012, 2015), it is recommended that a strong, local position be put forward to inform the Department's review. The community has given us their time in telling us what is important to them regarding the future of St Leonards/Crows Nest, so it is

fair and reasonable to capture this thinking along with our previous strategic planning work into a high level, informative study.

The *Crows Nest Placemaking and Principles Study* (the ‘Study’) at Attachment 1 articulates the community’s aspirations for the area, reinforces the current, community endorsed Placemaking Strategy for St Leonards/Crows Nest under the *St Leonards/Crows Nest Planning Study* (2012, 2015) and presents a suite of principles that should guide future planning in the area.

The study area centres on the Crows Nest metro station. It covers almost all of Crows Nest and portions of St Leonards, Wollstonecraft and Naremburn. A small proportion of land within the study area falls within Lane Cove and Willoughby City Council local government areas, however the Study does not make recommendations on this land as it is outside North Sydney Council’s remit.

Finally, whilst future height limits associated with the anticipated development and growth of the precinct would have been included in a comprehensive planning study, this has been intentionally excluded from this work, given the Department’s investigation. Instead, the Study presents character statements that aim to encourage well designed new buildings that realise the potential of the new public transport infrastructure and contribute to the activity, amenity and character of Crows Nest, St Leonards centre and surrounds.

It is intended the Study will be used to inform Council’s input into the Priority Precinct investigation and provide both the community and Council with a useful tool to review the draft *Land Use and Infrastructure Strategy*, when exhibited.

It is recommended the Study be endorsed and copies sent to the Department of Planning & Environment and relevant stakeholders.

The Crows Nest Placemaking and Principles Study recommends further work that will have financial implications for Council. These will be the subject of separate reports to Council.

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

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

Recommending:

1. **THAT** Council endorse the *Crows Nest Placemaking and Principles Study*.
2. **THAT** a copy of the *Crows Nest Placemaking and Principles Study* be sent to the Department of Planning & Environment to inform the Priority Precinct investigation of St Leonards, Crows Nest and Artarmon industrial area.
3. **THAT** Council no longer proceeds with the *St Leonards / Crows Nest Planning Study – Precinct 4*.
4. **THAT** Council distributes the *Crows Nest Placemaking and Principles Study* to relevant stakeholders noting that whilst the document is not on formal exhibition, comment is welcome and will form part of Council’s ongoing response to the Priority Precinct.

6. **CiS03: Planning Proposal – 521 Pacific Highway, Crows Nest – Withdrawal of Planning Proposal & Revocation of VPA**

Report of Ben Boyd, Executive Strategic Planner

On 15 December 2014, Council resolved to adopt a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) relating 521 Pacific Highway, Crows Nest and forward it to the Minister for Planning in order to receive a Gateway Determination. In particular, the Planning Proposal sought to increase the maximum building height control from 20m to 40m and introduce a maximum floor space ratio control of 5.3:1. Council also resolved to exhibit an associated draft Voluntary Planning Agreement (VPA) concurrently with the Planning Proposal subject to it receiving a Gateway Determination.

On 20 April 2015, Council considered a post exhibition report in relation to the Planning Proposal where it resolved to adopt the Planning Proposal unamended and give delegation to the General Manager to execute the amended VPA. Council also resolved to only forward the Planning Proposal to Parliamentary Counsel with a request that a Local Environmental Plan be made after Council had received a bank guarantee for the proposed monetary contribution towards new open space in accordance with the VPA.

The VPA was formally executed on 17 August 2015 by all parties. However, Council could not forward the Planning Proposal to Parliamentary Counsel, due to a bank guarantee not having been paid to Council in relation to the VPA.

On 18 November 2016, Council received a letter from the land owner requesting the withdrawal of the Planning Proposal and revocation of the VPA. The request to withdraw the Planning Proposal and VPA is due to the State government acquiring the subject land for the construction of the Crows Nest Railway Station in association with the Sydney Metro.

Given that the anticipated development envisaged by the proposed changes to the planning controls under NSLEP 2013 will no longer be achieved, it is recommended that Council resolve to formally request the Minister for Planning not to make the Planning Proposal and revoke the VPA.

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

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

Recommending:

1. THAT in accordance with section 58(4) of the Environmental Planning and Assessment Act 1979, Council as the relevant planning authority, request the Minister for Planning not to proceed with the Planning Proposal.

2. THAT Council grant delegation to the General Manager to make the necessary arrangements to revoke the Voluntary Planning Agreement (LD 7064 - executed on 17 August 2015) in accordance with the requirements under Subdivision 2 to Division 6 to Part 4 of the Environmental Planning and Assessment Act 1979 and Division 1A to Part 4 of the Environmental Planning and Assessment Regulation 2000.

7. CiS04: Planning Proposal – Building Height – Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner

On 14 June 2016, Council resolved to forward a Planning Proposal to the Department of Planning and Environment to amend the planning controls relating

to building height under North Sydney Local Environmental Plan 2013 (NSLEP 2013). In particular, the proposed amendments include:

- correcting the Height of Buildings Map to be consistent with the Department of Planning and Environment's guidelines for preparing LEP maps;
- removing the maximum building height control from a number of road reserves such that no height limit applies consistent with Council's approach to the application of maximum building height controls;
- removing the maximum building height control from the public reserve *Mater Gardens* at 194 Pacific Highway, Wollstonecraft such that no height limit applies, consistent with Council's approach to the application of maximum building height controls;
- imposing a maximum building height of 8.5m at 124 Alexander Street, Crows Nest consistent with Council's approach to the application of maximum building height controls to land zoned *SP2 Infrastructure*;
- imposing a maximum building height of 10m at 74 McDougall Street, Kirribilli consistent with Council's approach to the application of maximum building height controls to land zoned *IN4 Working Waterfront*; and
- deleting subclauses 4.3(2A) and 4.3(2B) in their entirety.

Council was issued a Gateway Determination for the Planning Proposal on 1 September 2016 enabling the Planning Proposal to be placed on public exhibition. Council was also authorised to exercise the functions of the Minister for Planning to formally make the Plan.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 14 days from Thursday 13 October 2016 to Wednesday 26 October 2016.

A total of 6 submissions were received in response to the public exhibition of the Planning Proposal, of which:

- two (2) raised no objection to the proposed changes;
- one (1) objected to the removal of the building height control from Harriette Lane, Kurraba Point; and
- three (3) objected to the removal of the building height control from The Avenue, North Sydney.

The issues raised in the submissions warrant an amendment to the Planning Proposal. In particular, Harriette Lane does not comprise a public road reserve and accordingly, the removal of height limits from these lands is inconsistent with Council's policy for applying building height limits to public road reserves. Therefore, it is recommended that the proposed removal of the existing 8.5m building height limit to Harriette Lane be excluded from the Planning Proposal. The Avenue was found to be a public road which had been dedicated to Council in 1915 and therefore the proposed removal of the height limit in this instance is considered acceptable.

It is recommended that Council resolves to forward the amended Planning Proposal (refer to Attachment 3), to Parliamentary Counsel with a request that the Planning Proposal be made.

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** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the amended Planning Proposal (Attachment 3) 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.
- 2. THAT** Council update its property system with regards to the ownership of Harriette Lane.

8. CiS05: Draft Medium Density Housing Code & Design Guide

Report of Ben Boyd, Executive Strategic Planner

The Department of Planning and Environment (DPE) has identified a policy gap in relation to the provision of medium density housing as an alternative housing form in NSW, dubbed as the ‘Missing Middle’. In particular, there is a lack of guidance for the provision of low rise medium density housing types, such as dual occupancies, manor houses and terraces. The DPE has noted that there is a growing demand for low rise medium density housing in NSW.

In response to this, the DPE has prepared the draft Medium Density Design Guide (MDDG) and Explanation of Intended Effect (EIE) for a draft Medium Density Housing Code (new Code) to be incorporated within the Codes SEPP. These documents are on exhibition for public comment until 12 December 2016.

Whilst there is no real objection to allowing medium density housing to be undertaken as complying development in areas where they are already permissible, this report identifies a number of additional issues that still need to be resolved. It is therefore recommended that Council forward a submission to the DPE outlining its concerns as outlined in this report.

Councils have the option of adopting the MDDG upon its coming into force for the purposes of assessing development applications for medium density development. If adopted the provisions of the MDDG override those contained within a council's development control plan (DCP). It is not recommended that Council adopt the MDDG, as it may have potential adverse impacts on the desired future character of North Sydney's neighbourhoods and localities due to its ability to override the requirements within North Sydney DCP 2013 (NSDCP 2013). However, as the MDDG will establish best practice guidance for the development of medium density housing forms, it is further recommended that Council undertake a detailed review of the MDDG upon its coming into force to identify potential amendments to NSDCP 2013 to ensure best practice is achieved.

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

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

Recommending:

- 1. THAT** Council prepares and forwards a submission to the Department of Planning and Environment in response to the draft Medium Density Design Guide, Explanation of Intended Effects and draft new Medium Density Housing

Code based on the issues raised in this report. In particular, the following issues are to be addressed:

- (a) reiterating Council's position with regard to previous submissions;
- (b) outlining the need to amend the proposed definitions for multi dwelling housing, multi dwelling housing (terraces) and manor houses;
- (c) outlining the need to create new definitions for townhouses and villas;
- (d) seeking confirmation that only attached dual occupancies are permitted as complying development in the LGA;
- (e) recommending that the proposed maximum height for terrace housing be reduced from 9m to 8.5m;
- (f) recommending limiting the length of terrace house developments on the same lot (prior to subdivision) of land;
- (g) seeking confirmation as to whether manor houses can comprise 4 dwellings in a single storey form; and
- (h) ensuring that the proposed development standards are able to be appropriately applied without having to rely on a future subdivision of the land which may not occur;
- (i) potential creation of a new definition within the SI LEP for 'dwelling lots' to assist in applying the proposed development controls; and
- (j) mandating the need for a Design Certification Statement, potentially within the SI LEP.

2. THAT Council not adopt the Medium Density Design Guide once it comes into force; and

3. THAT Council undertake a detailed review of the Medium Density Design Guide, once it comes into force, to determine what impacts the Guide will have on NSDCP 2013 and identify any potential amendments to NSCP 2013 to ensure best practice is achieved when developing medium density housing.

9. CiS06: Ward Street Precinct Masterplan - Pre-exhibition report

Report of Scott Williamson, Senior Strategic Planner - Urban Design

The Ward Street Precinct forms the northern end of North Sydney Centre. The precinct supports a mix of privately owned commercial, mixed use and residential development. It also contains the Ward and Harnett Street car parks, which are in Council ownership.

At its meeting of 14 June 2016, Council resolved to proceed with the Ward Street Precinct Masterplan project. In response to the resolution, Council staff have developed a draft Masterplan for the Ward Street Precinct. The Masterplan is the result of a collaborative effort of Council staff and a multi-disciplinary consultant team led by Roberts Day Urban Designers. An internal project team has also been involved throughout the design development process.

The Masterplan seeks to balance a number of objectives and principles into a cohesive and succinct strategy to integrate the precinct into the wider urban fabric. To enable this, the Masterplan is made up of a number of inter-related components.

First and foremost, the Masterplan facilitates a large public square on the Ward Street car park site. This space holds significant potential as an attractive and

lively public square that could deliver a long coveted and transformative public domain amenity to the North Sydney Centre. This component of the Plan recognises the distinct lack of quality public domain in the North Sydney Centre. Supporting the square are numerous pedestrian links, public and community spaces around the precinct for pedestrian amenity, permeability, activation and the general perception of a very publicly accessible space. The square is currently identified with the working title 'NOC Square', or 'North of Centre' Square.

Secondly, the Masterplan identifies a built form concept plan for a number of key sites in the precinct. The plan is intended to provide clarity to the market in the context of the proposed Victoria Cross Metro Station and to complement the public domain improvements envisaged in the Masterplan. A number of built form envelopes identify a maximum height and form of potential future development sites, driven most significantly by shadow impact and desired land uses.

The draft Masterplan is intended to identify an appropriate balance of the various objectives and principles set out for this precinct, as a basis for wider discussion. There is presently no detailed design or development application seeking to implement the draft Masterplan.

This report seeks Council endorsement to proceed with public exhibition of the draft Masterplan and associated documentation. It is proposed to undertake the exhibition in late January 2017. Following consideration of submissions and further consultation with key stakeholders, it is anticipated that the Masterplan would be finalised and an implementation strategy developed for the Final Masterplan to then be reported back to Council for endorsement.

Funding for the preparation of the Masterplan is included in the adopted 2015/16 budget.

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

The Guidelines have been considered in the preparation of this report and are not applicable as this represents an existing endorsed and funded project identified in the Community Strategic Plan 2013-2023.

Recommending:

- 1. THAT** Council resolve to place the material prepared for the Ward Street Precinct Masterplan (Attachments 1-4) on public exhibition for 28 days in late January 2017 and that a future report be prepared for Council's consideration accounting for submissions made and any resulting amendments to the Masterplan.
- 2. THAT** key stakeholders be consulted during the exhibition period.
- 3. THAT** Council resolve to fund the public benefit components of the Ward Street Precinct Masterplan by negotiating Voluntary Planning Agreements on land in the mixed use zone that the Masterplan identifies as suitable for uplift.
- 4. THAT** Council write to Ausgrid seeking a meeting with staff to discuss the future of the decommissioned substation at 70 – 74 Berry Street.

Community & Library Services Division

10. **CLS01: Stanton Library Lobby and New Information Desk – Tender 18/2017**

Report of Rebecca Aukim, Manager, Library Services

Tenders were called and were received until 4pm 17 November 2016 for the submission of tenders to undertake the construction of a Stanton Library Lobby and New Information Desk

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.

The Project is to be funded from existing capital works allocations in the Division, and an additional amount from surplus Section 94 funds.

Funding for the project is appropriate.

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

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

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer (Tender 2) for Stanton Library Lobby and New Information Desk.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 18/2017 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*.

11. **CLS02: Shorelink Minutes and New Fast Reads Service**

Report of Rebecca Aukim, Manager Library Services

Members of the Shorelink Library Network convened on 9 November 2016 and due to a lack of quorum resolved to present the outcomes by way of a report. Council's attention is drawn to:

ITEM 8: Shoreplan Review (includes contract renewal; service statistics for the year and 99.98% uptime for the computer network)

ITEM 10: Election of Office Bearers As there was not a quorum at the meeting, it was agreed that elections would be deferred until next meeting, 22 February 2017. All current Office Bearers will remain in place until the February meeting.

This report also describes the new Fast Reads service for library customers.

A new Library Fee is proposed.

Funding for the project is appropriate.

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

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

Recommending:

1. **THAT** the minutes of the Shorelink Library Network held on 9 November 2016 be adopted.
2. **THAT** the Fast Reads late fee of \$1.00/day be placed on public exhibition.

12. CLS03: Review for 2015/16 Crows Nest Centre Joint Plan of Management

Report of Martin Ellis, Director Community and Library Services

The Crows Nest Centre's Annual Report 2015/16 is presented here in fulfilment of the objectives of the Joint Plan of Management 2014-17. In the functional areas identified in the Plan it can be noted that:

- 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 (recreational activities such as indoor bowling, knitting, canasta, mahjong, bus outings, healthy ageing classes, special events, socializing in the Pat Brunton Room, and Chinese seniors
- Financial management: while a small surplus is evident in the audited statements it will be noticed this was achieved only by a sharp drop in salaries arising from the loss of the Settlement Service (loss of Federal funding)
- The Centre nevertheless remained active in working with new communities, offering English conversation classes, homework help for children of new arrivals, Persian morning tea and Japanese and Spanish parent groups.
- The Centre continues to maintain an open door policy to clients phoning the Centre for services or dropping in, juggling this responsiveness with the financial imperative for the client of accessing My Aged Care and regional assessment services.

The Joint Plan of Management for the Crows Nest Centre will be submitted to Council for renewal on receipt of the Centre's renewed Strategic Plan

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 Review of the 2014-17 Joint Plan of Management for the Crows Nest Centre be received.

13. CLS04: Review for 2015/16 North Sydney Community Centre Joint Plan of Management

Report of Martin Ellis, Director Community and Library Services

North Sydney Community Centre's Annual Report 2015/16 is presented here in fulfilment of the objectives of the Joint Plan of Management 2014-17. In the functional areas identified in the Plan it can be noted that:

- Financial management was sound with higher than expected retained earnings
- A difficult change management challenge (converting the failing general market into a **second produce market**) was negotiated safely with Council support. Markets are held every fortnight and
- 105 children cared for After School
- The most significant supported playgroup on the lower North Shore (Explorer's Playgroup performed strongly with for example 170 children attending the Guringai Festival performance
- 4,759 students attended 461 classes held through the year.

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

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

RECOMMENDATION:

1. THAT the Review of the 2014-17 Joint Plan of Management for North Sydney Community Centre be received.

14. CLS05: Review for 2015/16 Kirribilli Centre Joint Plan of Management

Report of Martin Ellis, Director Community and Library Services

Kirribilli Centre's Annual Report 2015/16 is presented here in fulfilment of the objectives of the Joint Plan of Management 2014-17. In the functional areas identified in the Plan it can be noted that:

- Financial management was robust with a small surplus for the year despite the Centre losing income from Bradfield Park Community Centre, the lease for which was surrendered to Council.
- The Carer's program relocated to the Fitzroy Street premises and the lost community space was transferred to the Crows Nest Centre.
- While the Federal Funding of the Carer's program was renewed (in decreasing amounts) over the coming three years, it has now been tied to transitioning clients to the National Disability Insurance Scheme. This means that the funds cannot be spent on the popular respite programs that have been such a part of the Centre for this last decade. This outcome means that a strategic realignment of this aspect of the Centre's operations will be required of its Board.
- The year marked the 40th Anniversary of the Centre (and its markets) and was notable in that, in recognition of its wider than neighbourhood catchment, it adopted a new name: the Kirribilli Centre. The year also marked the departure of long serving General Manager, Coral Garratt.
- A most fruitful partnership between the markets and the Smith Family has meant that since 2014, 20,000 kg of recycled clothes (82% re-usable) have been redirected from landfill. Clothes not needed in the Smith Family's Australian stores are sent to needy communities overseas.

- The Centre continues to host groups and clubs (knitting, Chinese Seniors, bridge, walking, film, book and art) as well as services (legal, financial, counselling and JPs)
- The Centre continues to host the Blue Knot Foundation which continues its important work supporting victims of child abuse.

The Joint Plan of Management for the Kirribilli Centre will be submitted to Council for renewal on receipt of the Centre's renewed Strategic Plan

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 Review of the 2014-17 Joint Plan of Management for the Kirribilli Centre be received.

Corporate Services Division

15. CoS01: 2017 Schedule of Meetings

Report of Ian Curry, Manager Governance and Committee Services

The schedule for all Council, Committee, Reference Group and Working Group meetings has been developed for 2017.

Related financial implications include staff costs. The spread of ‘ordinary hours’ under the Local Government (State) Award 2010 are from 6am to 6pm. Hours worked outside this spread of hours are payable at the overtime rate. The overtime rate of pay is time-and-a-half for the first two hours and double time after that. Employees may elect to take Time in Lieu instead.

This clause does not apply to Senior Staff (as defined in the Local Government Act 1993) nor to those employees engaged under the Award in the Executive Classifications (Band 4) where the following applies:

“Employees engaged in Executive Band 4 may be required in addition to their ordinary hours, to attend meetings of Council and standing and/or special committee meetings. For the purpose of this subclause an employee who is required to attend these meetings may be entitled to claim overtime for actual hours worked after 11pm”.

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

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

Recommending:

- 1. THAT** Council adopt the 2017 Schedule of Meetings.

Engineering & Property Services Division

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

Report of Risha Joseph, Property Officer

A report is submitted regarding the leasing transactions for Council's owned and leased properties, for the period ending 23 November 2016.

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

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

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

Recommending:

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

17. **EPS02: Sustainable Transport Reference Group - Minutes 14 November 2016**

Report of Michaela Kemp, Manager Traffic & Transport Operations

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 14 November 2016, for Council endorsement. The minutes are attached for information.

Recommending:

1. **THAT** the information on Current Sustainable Transport Projects be received.
2. **THAT** the discussion concerning the Miller Street, North Sydney – Streetscape Improvements be noted.
3. **THAT** Council develop a North Sydney CBD Transport Masterplan in anticipation of the new Metro Station in North Sydney.
3. **THAT** the item (4.1 Pedestrian Signals) be deferred and be considered at a later meeting.
4. **THAT** the Sustainable Transport Reference Group start the next meeting earlier with a 5pm start.
5. **THAT** the Sustainable Transport Reference Group have a special meeting for the CBD Metro Strategy.

18. **EPS03: Traffic Committee - Minutes 25 November 2016**

Report of Michaela Kemp, Manager Traffic & Transport Operations

This report presents the recommendations of the last meeting of the Traffic Committee held on 25 November 2016, for Council adoption. The minutes are attached for information.

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

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

Recommending:

1. **THAT** the information regarding Delegated Authority items be received. (4.1)
2. **THAT** as a matter of urgency No Parking signs be installed across the driveway of 3 Lloyd Avenue for item No. 16/100 Lloyd Avenue, Cremorne and 1.5 metres east of the driveway, and a No Stopping sign be installed at 10 metres west of the intersection with Ellalong Road. (4.1)
3. **THAT** Traffic Engineers investigate the removal of the existing refuge in Bannerman Street at Harriette Street and replaced with a road narrowing and a raised pedestrian crossing including relevant warrants and RMS requirements, and a pedestrian refuge to be investigated near Guthrie Road and that this be dealt with under delegated authority to the Traffic Engineer. (4.3.1)
4. **THAT** the approved design is to be posted on the street for resident's information. (4.3.1)
5. **THAT** 30m of existing "Loading Zone, 8:30am-6pm Mon-Fri" fronting 55 and 61 Lavender Street be converted to "2P Meter 8:30am-Mid Night, Mon-Sun, Permit Holders Excepted Area 6" (4.2.1)
6. **THAT** the remaining loading zone be retained in the middle of the existing kerb space to improve sight distance for motorists exiting from the corners of the side streets. (4.2.1)
7. **THAT** Council install "No Parking" signs across the driveway to No.65 at the applicant's expense (4.2.2)
8. **THAT** the information concerning pedestrian safety at the roundabout intersection of West Street and Amherst Street be received. (4.3.2)
9. **THAT** the correspondence from Karen Lockerby be received. (4.3.2)
10. **THAT** this item be deferred to the next Traffic Committee meeting in the New Year when an engineer can highlight the best solution possible to encourage the slowing down of traffic and improve safety on West Street. (4.3.2)
11. **THAT** the existing six (6) unrestricted parking spaces from No. 56 Crows Nest Road to the Pacific Highway remain unchanged and the remainder of unrestricted parking spaces in Crows Nest Road, between Pacific Highway and Morton Street be converted to 2 hour restricted parking spaces. (4.4)
12. **THAT** Council installs parking bay line markings on the northern side of Crows Nest Road, between House No.38 and House No.60 as shown on the attached plans CN02 and CN03 to assist with sight distance of vehicles exiting low level driveways. (4.4)
13. **THAT** Council installs speed cushion No.1, fronting H.Nos 38 and 45 subject to no objection from the two properties. (4.4)
14. **THAT** Council installs speed cushion No.2, fronting H.Nos 54 and 61 subject to no objection from H.No 54. (4.4)
15. **THAT** existing traffic situation remains if no support is received from properties 38, 45 or 54 to install speed cushions fronting these properties. (4.4)

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- 16. THAT** a report comes back to the Committee a year after the above has been installed for review. (4.4)
- 17. THAT** a roundabout at the intersection of Palmer Street and Abbott Street not be pursued at this time due to the negative impacts on pedestrian amenity and potential to exacerbate rat running in Abbott Street and Vale Street and that this option be reviewed again in 12 months' time. (4.5)
- 18. THAT** it be noted that the intersection does not qualify for the installation of traffic signals. (4.5)
- 19. THAT** a pedestrian crossing in Abbott Street, north of Palmer Street be included in the TAPAS Zone 4 Action Plan. (4.5)
- 20. THAT** Council install speed cushions on the southern and western approaches to the intersection, away from the pedestrian desire lines, to slow vehicles on the critical intersection approaches. (4.5)
- 21. THAT** Council undertake a review of crash data within 1 year of installation of the speed cushions to assess the effectiveness of the treatment. (4.5)
- 22. THAT** the information concerning North Sydney Council's Australia Day Great Aussie BBQ Traffic Management Plan be received. (4.6)
- 23. THAT** the temporary road closure of Burton Street east of Alfred Street South on Thursday 26th January 2017 for North Sydney Council's Australia Day Great Aussie BBQ be approved, as per the submitted Traffic Management Plan, subject to NSW Police approval and RMS approval. (4.6)
- 24. THAT** the information be received. (4.8)
- 25. THAT** the information concerning the Abandoned Vehicles Processed Report be received. (5.1)
- 26. THAT** Council authorise the Traffic and Transport Planning Manger to vote on behalf of Council in the event that an urgent traffic issue arises over the holiday break, noting that a delegation facsimile would be sent to the NSW Police, Roads & Maritime Services and the local State Member for approval and a report on the issue arising would also be referred to the first Traffic Committee meeting of the new year. (5.2)
- 27. THAT** the proposed North Sydney Traffic Committee meeting dates for 2017 be adopted. (5.3)
- 28. THAT** subject to no objection from the Traffic Committee members, the traffic aspects of the Construction Traffic Management Plan prepared by Platino Properties Pty Ltd and Varga Traffic Planning Pty Ltd dated 24 October 2016 and 31 March 2016 for development at 352-356 Military Road, Cremorne (Development Consent 167/15 and 134/16) is approved under delegated authority of Council's Traffic Engineer subject to the conditions outlined in the report. (6.1)
- 29. THAT** subject to no objection from the Traffic Committee members, the Work Zone as described in this CTMP is approved under delegated authority of Council's Traffic Engineer, with the same conditions pending lodgement of a Work zone application and payment of all applicable fees. (6.1)

Open Space & Environmental Services Division

19. **OSE01: Environment Reference Group – 14 November 2016**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last meeting of the Environment Reference Group held on 14 November 2016, for Council endorsement. The minutes are attached for information.

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

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

Recommending:

- 1. THAT** Council congratulate the North Sydney Bushcare Community Nursery for the work being undertaken and thank Ms McMath for her presentation to the Reference Group.
- 2. THAT** the report on the NSW Government Waste Less, Recycle More funding initiative 2017-2021 extension be received.
- 3. THAT** the updated report on the Community Recycling Centre be received.
- 4. THAT** a date be organised for the Environment Reference Group to tour the Community Recycling Centre and the Coal Loader Platform.
- 5. THAT** the report on the NSW Government Container Deposit Scheme be received.
- 6. THAT** the Electronic Waste (E-Waste) Recycling Collection Services Program report be received.
- 7. THAT** the report on the activities at the Coal Loader Centre for Sustainability be received.
- 8. THAT** the report on Council's Water and Energy Management Programs be received.

20. **OSE02: Landscape Assessment of Carradah Park**

Report of Kate Bambrick-Browne, Landscape Grants Coordinator

Following the Council resolution of 21 March 2016, The Head of School of Landscape Architecture was approached to undertake an assessment of the landscape and planting design of the Upper Terraces of Carradah Park, Waverton. The report is now complete and is provided for Council's information.

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

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

Recommending:

- 1. THAT** Council receive the 'Upper Terraces, Carradah Park, Waverton NSW Review of Landscape and Planting Design' as prepared by Catherine Evans (with Lee Andrews and Darren Mason) dated 31 October 2016

2. **THAT** Council's maintenance contractor be directed to undertake staged removal of species not in keeping with the intended landscape character for each of the three areas as identified in the Assessment Report.
3. **THAT** the ridgeline tree species be re-instated and maintained as per the approved 2002 Masterplan and subsequent construction documentation
4. **THAT** further discussion, review and negotiation should be directed towards developing a management plan that will achieve the design outcomes for the site.

21. **OSE03: St Leonards Park Landscape Master Plan – Progress Update**

Report of Megan White, Landscape Planner

This report provides information about the development of a Landscape Master Plan for St Leonards Park. It sets out the project process, including the various opportunities for community and stakeholder involvement, and proposes a program of additional consultation to occur during Stage 1 of the project.

There are financial implications associated with carrying out the additional Stage 1 consultation activities outlined in this report. It is estimated that the work will cost approximately \$6,600. Funding for this project can be made available from the existing funds allocated for this project.

Funding for the project is appropriate.

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

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

Recommending:

1. **THAT** Council allocates \$6,600 from the existing project funding to carry out the additional Stage 1 consultation described in this Report.

22. **OSE04: Draft Street Tree Strategy 2016 – Post Exhibition**

Report of Melissa McManus, Landscape Technical Officer

The Street Tree Strategy is an important document providing clear guidelines for the effective short and long-term management of the network of trees that comprise the basis of virtually all streetscapes in the North Sydney area. This network currently consists of over 16,500 individual trees. The objective of the Strategy is to provide the framework and guidelines to ensure that all existing street trees are managed in accordance with industry best practice, maximising their benefits to the North Sydney Community. A new draft Street Tree Strategy 2016 has now been prepared; superseding Council's Street Tree Strategy 2006.

The new draft Street Tree Strategy 2016 was completed in July 2016. Public exhibition of the draft document was widely advertised, and known stakeholders were also informed that a new draft Strategy was available for comment.

The public submission period ran from August 1 until September 5 2016. Three written submissions were received. This report sets out the content of these submissions and the alterations it is proposed to make to the Street Tree Strategy 2016 as a result.

This report also documents the key features of the new draft Street Tree Strategy 2016, detailing the management actions to be undertaken in coming years.

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

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

Recommending:

1. **THAT** Council formally adopts the draft Street Tree Strategy 2016.

23. **OSE05: Forsyth Park #2 Oval Reconstruction – Tender 17/2017**

Report of David Manson, Parks and Reserves Manager

Tenders were called and were received until 4pm on Tuesday 15 November 2016 for the submission of tenders to undertake Forsyth Park #2 Oval Reconstruction *In order for Councillors to discuss the content of this Commercial in Confidence report it will be necessary to close the Council meeting to the public.*

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

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

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender number 17/2017 – Forsyth Park #2 Oval Reconstruction
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 17/2017 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.*

24. **OSE06: High Street Access Stair Upgrade – Tender 14/2017**

Report of Alicja Batorowicz, Landscape Projects Coordinator

Tenders were called and were received until 4pm, 1 November 2016 for the submission of tenders to undertake High Street Access Stair Upgrade.

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

Funding for these project was included in the adopted 2016/2017 budget.

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

The Guidelines have been considered in the preparation of this report and are applicable.

Recommending:

1. **THAT** Council reject all tenders for Contract 14/2017 - High Street Access Stair Upgrade as the bids were deemed to be non-competitive and enter into direct negotiation with any suitable Proponent with a view to entering into a contract.

2. **THAT** Council authorise the General Manager under delegated authority to award the works to the successful Proponent.

3. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 14/2017 under the signature of the Mayor and the General Manager.

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

25. **OSE07: Quibaree Park Landscape and Lighting Upgrade – Progress Report**

Report of Alicja Batorowicz, Landscape Projects Coordinator

This report outlines the progress of Quibaree Park Landscape and Lighting Upgrade project for which construction was completed in September 2016.

Any additional funding allocated to this project will result in a corresponding reduction in the pool of funds available for the 2017/18 capital works program.

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

The Guidelines have been considered in the preparation of this report and are applicable.

Recommending:

1. **THAT** Council allocates additional funding of \$246,000 from the Capital Works Reserve.

PETITIONS

Nil

CORRESPONDENCE

Nil

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

26. NoM01: Notice of Motion No. 51/16 by Cr Beregi – 28/11/16

Re: Proposed Meeting with NSW Premier

THAT, following Council's letter to the Premier (refer below) and receipt of the email from Kellie Basman, Office of the Premier (refer below), Council again write to the Premier noting that the offer to meet with North Sydney Council was made by the Premier himself, at the Local Government NSW conference in Wollongong, and that the Council was following up in relation to his offer so as to ascertain his availability. The letter should clarify this and ask whether the Premier is now refusing to honour his promise to meet with North Sydney Council.

Background

At the Local Government NSW Conference, when responding to a question from Cr Meredith Sheil of Hunters Hill Council, the Premier agreed to meet individually with Hunters Hill Council, Shellharbour Council and North Sydney Council.

The response from Kellie Basman, Office of the Premier, implies that North Sydney Council invited the Premier to meet with the Council whereas the opposite is the case - the Premier made an offer to meet with North Sydney Council and Council's letter was seeking to confirm a date for the meeting to take place.

QUESTIONS WITH NOTICE

Nil

QUESTIONS WITHOUT NOTICE