



Council Chambers
20 February 2020

The 3728th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 24 February 2020. The agenda is as follows.

KEN GOULDTHORP
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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- **Opening Meeting**
 - **Acknowledgement of Country**
 - **Apologies and Applications for Leaves of Absence by Councillors**
 - **Confirmation of Minutes**
 - **Disclosures of Interests**
 - **Mayoral Minutes**
 - **Reports of Committees**
 - Item 1: Traffic Committee - Minutes 22 November 2019
 - Item 2: Governance and Finance Committee - Minutes 10 February 2020
 - **Reports to Council**
 - Item 3: Matters Outstanding - February 2020
 - Item 4: Audit, Risk and Improvement Committee - Independent Membership
 - Item 5: 2020 Meeting Schedule - Sport and Recreation Reference Group Amendment
 - Item 6: Investments and Loan Borrowings Held as at 31 January 2020
 - Item 7: Ridge Street Active Transport Plan (Stage 2) - Consultation Outcomes
 - Item 8: Draft Amendments to the Outdoor Dining and Goods on Footpath Policy and Guidelines
 - Item 9: Implementation of Urban Forest Strategy - Review of Tree and Vegetation Management Policies

- Item 10: North Sydney DCP Review 2020
- Item 11: Planning Proposal 2/19 - Alfred Street Precinct (263-283 Alfred Street North & 4 Little Alfred Street, North Sydney) - Planning Proposal Authority
- Item 12: 8 Hayes Street, Neutral Bay – Draft Amendment to NSDCP 2013 – “Contributory Item” – Post Exhibition Report
- Item 13: North Sydney Draft DCP Amendment - Trading Hours in Kirribilli Village
- Item 14: Pattons Slipway - 62 Willoughby Street, Kirribilli - DA 313/19
- Item 15: Parking Provision in North Sydney
- Item 16: Planning Proposal No. 6/2019 - 27-57 Falcon Street, Crows Nest - Interim Assessment Report
- Item 17: Precinct System Review
- Item 18: Proposed Community Garden at Little Young Street, Neutral Bay - Outcome of Site Meeting
- Item 19: Proposed Community Garden at French Street, McMahons Point - Outcome of Site Meeting
- Item 20: Primrose Park Art and Craft Centre - Review for 2018/19 of the Joint Strategic Plan
- Item 21: Crows Nest Centre – 2018/19 Review of the Joint Strategic Plan
- Item 22: Stanton Library Second Entrance Project DA 188/19 – Funding Options
- Item 23: Writers @ Stanton Program - Review of 2019 and 30th Anniversary
- Item 24: Waverton - Alcohol Managed Areas - Renewal for 2019-23
- Item 25: Forsyth Park Playground Upgrade and Increased Capacity

- **Notices of Motion (#Note 1)**

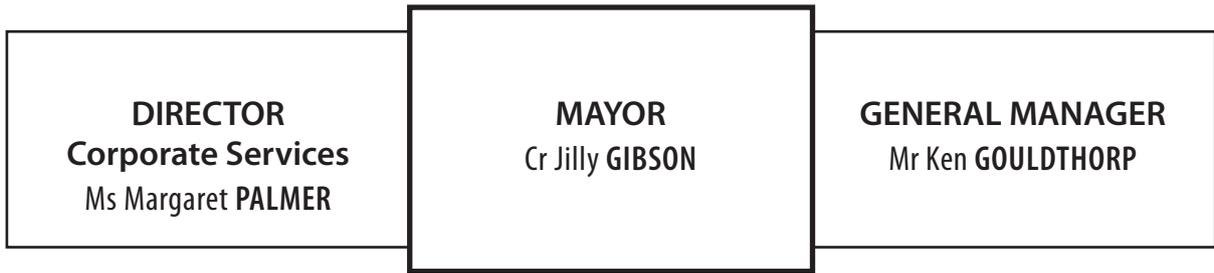
- Item 26: Notice of Motion - Extension of land into Sawmillers Reserve
- Item 27: Notice of Motion - Proposed amendment to Code of Meeting Practice

- **Confidential Matters**

- Item 28: Contract 6/2020 - St Leonards Park Upgrade – Stage One – Miller St Forecourt. Cancellation Of Contract and Proposal to Enter into New Contract
- Item 29: Neutral Bay & Cremorne Public Domain Upgrade Stage 2 – Tender 20/2020
- Item 30: 2nd Quarterly Property Portfolio Report – October to December 2019
- Item 31: Coal Loader Artist Studio - Summary of 2019 Program and Selection of 2020 Artist in Residence
- Item 32: New Applications for Reference Group Membership

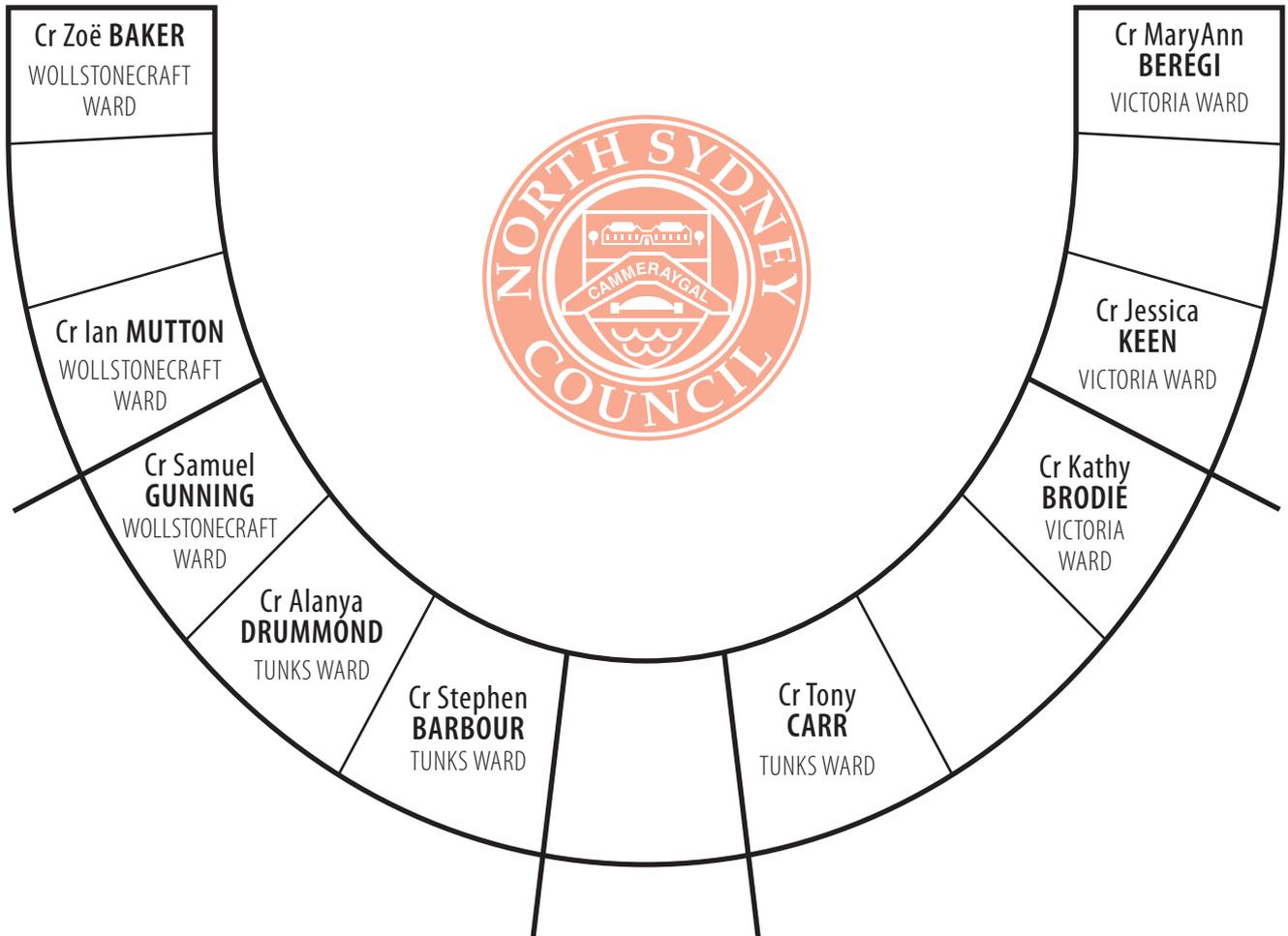
#Note 1: In accordance with clause 3.18 of the Code of Meeting Practice, one submitted Notice of Motion (Rescission Motion) has been excluded from the Agenda. Details have been provided to Councillors separately

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	MANAGERS
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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 at the Public Forum held at 6.30pm prior to the Council meeting on an agenda item may register by submitting a written request to Council by completing the form available at https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings or email to governance@northsydney.nsw.gov.au by **4.00pm** on the day of the meeting. Items will be considered at the Public Forum in the order that they appear on the agenda.
5. Members of the public should acknowledge the Chairperson when entering or leaving the Chamber whilst the meeting is in progress.
6. Members of the public gallery must turn all mobile phones to silent for the duration of the meeting. Members of the public are not permitted to make a video or sound recording (and/or any electronic device capable of recording speech) of any meeting, unless the permission of Council is granted.
7. 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.

Note: The Code of Meeting 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: 3728th MEETING OF COUNCIL TO BE HELD ON MONDAY, 24 FEBURARY 2020

THAT THE MINUTES of the previous 3726th Council Meeting held on Monday, 25 November 2019 and the Minutes of the 3727th Extraordinary Council Meeting held on Monday, 20 January 2020 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

MM01: A Debt of Gratitude

As this is our first Ordinary Meeting of Council since November, I would like to take a moment to acknowledge the heroic efforts of all the RFS volunteers and other volunteers who have risked their lives to help others in the recent bushfire crisis.

They put themselves in the line of fire again and again to help save homes, pets, animals and families - and without them this crisis would have been a lot worse with many more lives lost.

We owe all the RFS volunteers and other volunteers a huge debt of gratitude for giving their time, energy and expertise to help bushfire-ravaged communities.

Two of our own staff volunteered on the frontline during the crisis - one as an RFS volunteer firefighter and another in the Defence Reserves.

Other staff across Council have also volunteered in the Local Government Bushfire Recovery Support Group to assist regional councils affected by the fires who need extra resources or staff cover and relief services.

I'm proud that, as a Council, we have been able to support our staff and volunteers to help others during the bushfire crisis.

This support will continue as fire-ravaged communities across NSW start the process of rebuilding, and extreme weather events bring fresh challenges.

Our emergency services and volunteers have been out in force again in the last two weeks, this time saving people and animals from storms and flash flooding.

I therefore recommend:

1. THAT Council acknowledge and note the tremendous efforts of all the RFS volunteers and other volunteers who gave their time, energy and expertise during the Christmas/New Year bushfire crisis.

2. THAT Council acknowledge and note the ongoing efforts of the Emergency Services, RFS & SES volunteers, charities & other volunteer organisations as bushfire-ravaged communities rebuild and extreme weather events bring new challenges.

MM02: Bring Back the Roundabout

It's been two and a half years since Council undertook work on the intersection between Young Street and Grasmere Road as part of the 'Route 2 Cycleway and Streetscape Upgrade' project but unfortunately, we still haven't achieved an outcome that works for the community.

The Route 2 Cycleway is an important part of creating the missing links in our cycle network but I'm not even sure that cyclists are happy with the result.

In fact, I'm aware of a cyclist that has written to Council, asking us to clarify who has right of way when a bike rider (in a bike lane) faces a give way sign and at the same time in an adjacent lane, a driver faces a stop sign.

This is only one part of the problem. Council has received numerous complaints on the subject matter regularly since the project began including:

- changes to traffic conditions such as the inconsistency in stop signs. It is confusing for motorists driving down Young Street who have right of way at Sutherland Street but then must give way at Grasmere Road;
 - drivers not obeying the new stop signs;
 - concerns about significant increases in vehicle speed since the roundabout was removed;
 - the removal of the pedestrian safety islands that has made it more difficult for pedestrians to cross Grasmere Road and Young Street at the intersection;
 - increased pressure on availability of on street parking; and
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- that cyclists are not using the cycleway but are still using the car lane.

Council undertook a review of the intersection in 2018 after a number of residents raised their concerns. The result was installing speed cushions last year; however this has not stopped complaints and in some respects has only exasperated the problem.

It is time to finalise this matter and, if possible, reinstate the roundabout.

Finding a way to reinstate the roundabout to its former position may need a little adjustment but it will alleviate all the problems currently being experienced at that intersection. I would like to see Council pursue installing a flat-top roundabout, like the one on Alexander Street, which would allow buses to go over it.

My role as Mayor is to listen to the community and make sure their concerns are heard by Council. The residents do not feel that they have been heard on this matter and they do not feel that they have been considered during any part of the process of delivering this project.

I therefore recommend:

1. **THAT** Council staff prepare a report to identify the costs associated with reinstating the roundabout with a flat top like the one on Alexander Street and identify a funding source.

MM03: Diverting Food Waste from Landfill

As Councillors would be aware, until recently Council paid to have household waste separated so that food scraps and other compostable material could be turned into a compost-like product used for landscaping. This process is known as alternative waste technology (AWT).

In October 2019, the State Government banned the re-use of the compost-like product and since then all residential red-bin waste has been sent to landfill. While this situation was not ideal, Council had little choice, as all alternative waste technology contractors had the same ban in place.

A recent audit of North Sydney's waste bins found that, on average, food waste comprised 40% of the bin contents. The only feasible alternative for diverting a significant proportion of our residential bin waste away from landfill is by extracting that food organic waste out of the red bin and collecting and transporting it to a dedicated food waste facility located at Camelia (Western Sydney).

I have been advised that community food waste recycling bins, located in public areas, are being used in other countries. While I can foresee problems with this type of bin in a public space in North Sydney, it may be possible to implement an organic waste bin for apartment blocks or small groups of committed residents.

I believe that Council should examine ways to improve our landfill diversion rate and a food waste collection trial with our residents should be explored. I am therefore proposing that Council staff investigate the options.

I therefore recommend:

1. **THAT** staff prepare a report on the options for conducting a food waste diversion trial that:
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- a) includes information on costs and likely community interest to participate in a trial; and
- b) includes details on any smart phone applications that could be used to allow residents to express an interest in food waste collection in their street.

MM04: Prioritising Pedestrians

In late January I was contacted by someone who witnessed a near miss outside the Xavier Terrace Retirement Village in Mackenzie Street, Lavender Bay. An ambulance officer who was transporting a resident with a medical emergency to hospital, narrowly missed being hit by a cyclist which came flying down the pathway next to St Peters Park and swung into Mackenzie Street at high speed. A Police car arrived shortly after with all lights blazing to support the Ambulance crew while they completed the transfer of the patient into the ambulance.

Interestingly, a couple of weeks later the Traffic Committee considered a report on the option of removing the cycleway signage from that exact pathway next to the retirement village. The report arose as a result of community feedback given to Council last October when we consulted on upgrading the pathway. Clearly the January incident is not a one-off event.

Within a few days of the Traffic Committee agenda being posted on Council's website, the cycling group Bike North had written to all councillors strongly urging us to keep the pathway as a shared pedestrian and cycle path.

The letter drove home to me the imbalance that now exists between cycling and pedestrian interests in the North Sydney Council area. Without someone to advocate for pedestrians, their interests get overlooked and the needs of cyclists, which have a strong lobbying voice, are given priority. In the case of the pathway next to the retirement village, the need for the older residents to be able to walk safely to shops, medical services and public transport has somehow been over-ridden by the needs of commuter cyclists.

The purpose of this Mayoral Minute is not to review the St Peter's Park pathway, but to highlight the need for stronger pedestrian advocacy within Council. Despite our commitment to active transport, we rarely hear voices advocating for wider footpaths or shared zones in our village centres. Most people in the Council area live within comfortable walking distance of a local shopping village. We should be encouraging walking as the first choice of transport, not the last.

The answer may lie in employing a part time pedestrian officer who can give a dedicated pedestrian perspective on Council projects. Alternatively, we may need an overarching review of all pedestrian thoroughfares leading to our village centres. Or perhaps we need a multi-pronged approach that ensures the needs of pedestrians are considered by all Divisions.

I therefore recommend:

- 1. THAT** staff prepare a report on options for improving our focus on pedestrian needs, and that the report considers how to ensure that all voices are equally heard when balancing the needs of motorists, cyclists, pedestrians and public transport.

MM05: Ferry Services

I've been approached by many Cremorne residents who are concerned about the proposed merger of the Mosman Bay and Taronga Zoo ferry routes.

The current F6 route takes passengers from Cremorne Point Wharf directly to Circular Quay in just 10 minutes.

Under the new proposed route, Cremorne Point Wharf would remain the last stop before Circular Quay in the morning with an unchanged journey time.

However, after 1pm, any passengers boarding the ferry at Cremorne Point will have to first do a loop around Mosman Bay - stopping at South Mosman, Old Cremorne, Cremorne Bay and Taronga Zoo - before heading to Circular Quay. This will double the current journey time.

While I appreciate there are not as many commuters after 1pm as there are in the morning peak, a lot of our residents still use this ferry service throughout the day and they shouldn't be forced to take the scenic route every time they need to go to the City.

We should be encouraging people to use public transport more often and not deterring them by making their journeys unnecessarily longer.

I would therefore like to propose that Council requests that any new route arising from merged F2/F6 ferry services include two stops at Cremorne Point Wharf, both before and after Circular Quay.

This will encourage more locals to take the ferry to work, taking cars off the road and easing the pressure on the jammed-packed buses that travel along Military Road to the CBD.

One benefit of the proposed merger and new service would be improved frequency of ferries at the weekend, with a ferry running every 20 minutes during the day instead of hourly.

This is something I would also like to see happen with the Neutral Bay ferry service, which services Kurraba Point, Neutral Bay, North Sydney and Kirribilli residents.

I therefore recommend:

- 1. THAT** Council, as a matter of urgency, write to Transport for NSW requesting that any new ferry route arising from the merger of the existing F2/F6 routes stops at Cremorne Point twice on every journey, before and after Circular Quay, so that our residents do not have to waste time doing 'a scenic loop' around Mosman.
- 2. THAT** Council separately ask Transport for NSW and ferry service provider Transdev to review the possibility of providing more regular evening and weekend services for the Neutral Bay ferry route.

MM06: Save Our Recycling Campaign

You may remember I put forward a Mayoral Minute in December 2018. Local Government NSW (LGNSW) asked for Council's support in their Save Our Recycling Campaign. The Mayoral Minute received unanimous support.

LGNSW has again asked for Council's support as they relaunch their **Save Our Recycling campaign** ahead of the 2020 NSW Budget, to put recycling back on the agenda and secure greater funding for local government for waste and recycling education and infrastructure.

I am calling on Councillors to support this campaign as outlined in the Local Government NSW report *At the Crossroads: The State of Waste and Recycling in NSW*. (Include as an Attachment or link??)

The NSW Government collects revenue from a Waste Levy via licensed waste facilities in NSW to discourage the amount of waste being landfilled and to promote recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018/19.

Council paid a total of \$6,757,597 via the Waste Levy in financial years 2012-2019. Over the same period Council received \$1,363,156 in contestable / non-contestable funding to assist with waste management and recycling infrastructure, programs and education.

Revenue from the Waste Levy is expected to increase by about 70 percent from 2012/13 to 2022/23. By the end of this period the Waste Levy revenue is forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion - less than one fifth - of this revenue is invested back into waste and recycling programs.

The NSW Government promised a major education campaign to help support kerbside recycling in 2015. However, this has not been delivered. A Waste Infrastructure Plan and a new Waste Strategy are also overdue.

The Government is also likely to miss key targets in its existing *Waste Avoidance and Resource Recovery Strategy 2014-21*. Its latest *2017/18 Progress Report* shows that in NSW:

- household recycling rates are decreasing;
- less waste per person is being diverted from landfill; and
- the amount of waste being generated is expected to grow by 36 percent by 2036 - well above population growth.

Recent decisions by China and other countries to put in place measures to stop the importation of plastic and paper recycling from countries like Australia are also making it more challenging to find markets for recycled products.

This combination of a lack of funding, planning and action has left our state-wide waste and recycling systems in a poor state.

Local councils in NSW are calling on the NSW Government to reverse this downward slide; to invest the money it collects from the Waste Levy to help fix our state's ailing waste and recycling, and help build a circular economy in NSW.

Local Government's Save our Recycling campaign outlines ways the State Government can work with us to properly develop, fund and deliver the waste and recycling systems our communities deserve.

It is a blueprint for the NSW Government to invest the money it collects from the Waste Levy to help fix our ailing recycling services and build a circular economy in NSW.

The campaign focuses on the following key areas for NSW Government action:

- **Education:** Fund a large-scale, state-wide education campaign to support recycling and markets for recycled products in NSW. The NSW Government must fund and work with councils to activate this campaign; community by community.
- **Innovation:** Greater use of more recycled content by all tiers of government to help create scale, and then new markets, jobs and investment will follow.
- **Investment:** Reinvest the Waste Levy in council-led regional waste-and-recycling plans and fund councils to deliver the infrastructure and services our cities and regions need.

In 2018, delegates at the LGNSW 2018 Conference unanimously voted to call on the NSW Government to reinvest the Waste Levy in recycling and waste infrastructure and programs.

The 2019 Conference further supported this approach, outlining specific solutions to the waste and recycling crisis which could be delivered in partnership with local government. These steps are outlined in the wording of this Mayoral Minute, and include:

- Funded regional waste plans for the future of waste and resource recovery developed by councils for their regions.
- Funding for and delivery of the priority infrastructure and other local government projects necessary to deliver these regional-scale plans, particularly where market failure has been identified
- Increased local and state government procurement of recycled goods made with domestic content, e.g.
 - recycled content targets to help drive demand and provide incentives to deliver on these targets.
 - funded research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.

I am recommending that we support the Save Our Recycling campaign, which is being coordinated on behalf of the sector by LGNSW.

I therefore recommend:

- 1. THAT** Council acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
 - 2. THAT** Council recognises initiatives and projects taken within the North Sydney local government area to help achieve this goal, including: the establishment and operation of a Community Recycling Centre in Artarmon; provision of workshops and waste education programs that avoid waste generation and best practice recycling behaviours; provision of kerbside collection of garden waste and recyclables; ongoing review of options for resource recovery and alternative waste treatment; implemented Single Use Plastics Policy.
 - 3. THAT** Council endorses Local Government NSW's sector-wide *Save our Recycling* campaign, and asks the State Government to reinvest the Waste Levy in:
 - a) Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions;
 - b) The delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified;
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- c) Support for the purchase of recycled content by all levels of government, to help create new markets; and
- d) Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.

4. THAT Council write to the Member for North Shore, Ms Felicity Wilson MP, Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister the Hon Shelley Hancock MP, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.

5. THAT Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

6. THAT Council shares and promotes the Save Our Recycling campaign via its digital and social media channels and via its networks.

Reports of Committees

Item 1: Traffic Committee - Minutes 22 November 2019

Report of Peita Rose, Governance Officer

This report presents the recommendations of the last meeting of the Traffic Committee held on 22 November 2019 for Council adoption. The Minutes are attached for information.

The full reports to Traffic Committee can be accessed at:

https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2019/22_November_2019

Nil.

Recommending:

1. **THAT** Council install 18 metres (3 spaces) of Loading Zone 5am-7am Monday to Saturday on Broughton Street in front of 11-17 Broughton Street, Kirribilli for a trial period of 6 months, under delegation to the Manager Traffic & Transport Operations, once the trial period is complete, any feedback be brought back to the Traffic Committee for review. (4.2.1)
2. **THAT** all submitters be informed of the decision with regard to the Broughton Street loading zone. (4.2.1)
3. **THAT** the information regarding Delegated Authority items be received. (4.1)
4. **THAT** the raising of the existing road level pedestrian crossing over Bannerman Street near to the intersection with Murdoch Street above road level (TDA 19/126) be deferred until after the speed cushion trial has been completed. (4.1)
5. **THAT** the information concerning parking restrictions on Shirley Road be acknowledged. (4.2.2)
6. **THAT** a report be submitted to the Committee in 3 months' time to see if there are ongoing concerns and any submissions that come in between now, and the 6 months period be attached to the next report. (4.2.2)
7. **THAT** the Resident Parking Panel consider allocating visitor parking permits for the use of patients at Tresillian Family Care Centre, in consultation with the Centre. (4.2.2)
8. **THAT** Council inform the Member for North Shore of the Traffic Committee's recommendation and the outcome of this matter. (4.2.2)
9. **THAT** Council adopt the parking restriction recommendations for Crows Nest Parking Area 19 (East). (4.3)
10. **THAT** Council notify the residents before installing the parking restriction changes. (4.3)
11. **THAT** the new parking restrictions be reviewed in three (3) months and again in six (6) months after the date of installation in Crows Nest Parking Area 19. (4.3)
12. **THAT** Council installs the statutory 10m "No Stopping" restrictions adjacent to the new residential parking zone at the intersections that lack this restriction. (4.3)
13. **THAT** Council adopt the parking restriction recommendations for Crows Nest, Wollstonecraft and Waverton Parking Area 12. (4.4)

14. **THAT** Council notify the residents before installing the parking restriction changes in Crows Nest, Wollstonecraft and Waverton Parking Area 12. (4.4)
15. **THAT** the new parking restrictions be reviewed in three (3) months and again in six (6) months after the date of installation in Crows Nest, Wollstonecraft and Waverton Parking Area 12. (4.4)
16. **THAT** Council adopt the parking restriction recommendations for Wollstonecraft and Crows Nest Parking Area 13. (4.5)
17. **THAT** Council notify the residents before installing the parking restriction changes in Wollstonecraft and Crows Nest Parking Area 13. (4.5)
18. **THAT** the new parking restrictions be reviewed in three (3) months and again in six (6) months after the date of installation in Wollstonecraft and Crows Nest Parking Area 13. (4.5)
19. **THAT** a Car Share space be allocated in Alexander Lane in the spot closest to the garage at No. 11 Hayberry Street. (4.6)
20. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (5.1)
21. **THAT** the information concerning Gerard Street and Macpherson Street Traffic Control Signals Standing Item be received. (5.2)
22. **THAT** the information concerning Standing Item - Military Road B-Line be received. (5.3)
23. **THAT** the proposed North Sydney Traffic Committee meeting dates for 2020 be adopted. (5.4)
24. **THAT** Council authorise the Traffic and Transport Operations Manager to vote on behalf of Council in the event that an urgent traffic issue arises over the holiday break, noting that a delegation email would be sent to the NSW Police, Roads & Maritime Services and the local member, as well as the Mayor to be notified for information and a report on the issue arising would also be referred to the first Traffic Committee meeting of the new year. (5.5)
25. **THAT** it be noted that a subsequent CTMP for the Warringah Freeway Noise Wall from Brook Lane to St Thomas Rest Park has been received which will be reviewed by Council's Traffic Engineer and that the busy periods for children playing in the park, particularly 3pm-5pm and the importance of safety in playgrounds be taken into consideration when reviewing the CTMP. (6.1)
26. **THAT** a report be submitted to the Traffic Committee which gives the general statistics of survey results and how Council can significantly increase the response rates in surveys. (7.1)
27. **THAT** a report be submitted to the Traffic Committee on pedestrian crossings that are at street level, highlight within the report ones that are near schools, sporting fields and other key land uses, and any funding available to upgrade the crossings to raised crossings, and how quickly this can be done. (7.2)

Item 2: Governance and Finance Committee - Minutes 10 February 2020

Report of Ian Curry, Manager Governance and Committee Services

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on 10 February 2020 for Council adoption. The Minutes are attached for information.

The financial implications of each item are discussed in the individual reports.

Recommending:

1. **THAT** the Community Ward Forums 2020 report be received. *(GF01)*
 2. **THAT** the Community Ward Forums Engagement Strategy be adopted. *(GF01)*
 3. **THAT** the Community Ward Forums Protocol be adopted. *(GF01)*
 4. **THAT** the Quarterly Review of the Operational Plan - 1 October to 31 December 2019 be received. *(GF02)*
 5. **THAT** Council notes the remedial action for those projects that were not on track for the period ending 31 December 2019. *(GF02)*
 6. **THAT** the Quarterly Budget Review Statement - December 2019 report be received. *(GF03)*
 7. **THAT** the revised 2019/20 budget be adopted. *(GF03)*
 8. **THAT** Council adopt the updated Long Term Financial Plan as per Attachment 1 and 2 of report GF04 to the Committee and it be included in the amended Resourcing Strategy, to be placed on public exhibition concurrently with the Draft Operational Plan & Budget 2020/21. *(GF04)*
 9. **THAT** the Operational Plan & Budget 2020/21 Preparation Timeline for Councillors as attached to report GF04 be noted. *(GF04)*
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Reports to Council

Item 3: Matters Outstanding – February 2020

Report of Ken Gouldthorp, General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 25 November 2019 is presented.

Recommending:

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

Item 4: Audit, Risk and Improvement Committee – Independent Membership

Report of Jon Paul Agnew, Manager Risk

In 2019 the NSW Office of Local Government (OLG) issued its discussion paper “New Risk Management and Internal Audit Framework for Local Councils in NSW”, foreshadowing changes that are to come into effect from March 2021 as a result of amendments to the Local Government Act in 2016. The discussion paper proposes that Audit Risk and Improvement Committee (ARIC) membership consist of between three and five independent members, appointed via a NSW Government prequalification scheme.

Council’s Audit, Risk and Improvement Committee (ARIC) currently has four voting members:

- Two independent external members (Mr Ron Switzer and Mr Brian Hrnjak), appointed through an expression of interest process, one of whom serves as Chair;
- Deputy Mayor, Councillor Stephen Barbour; and
- Councillor Ian Mutton.

The purpose of this report is to seek Council’s approval to extend the appointment of Mr Ron Switzer, the current Chair of the Council’s ARIC, as an independent external member of the Committee through 2020 to facilitate Council’s transition to the new OLG framework.

Mr Hrnjak is expected to take over as Chair of the ARIC from the first meeting in 2020, which is on 27 March.

Recommending:

1. **THAT** Council note the information regarding the Office of Local Government discussion paper “New Risk Management and Internal Audit Framework for Local Councils in NSW”.
2. **THAT** the appointment of Mr Ron Switzer as an independent member of Council’s Audit, Risk and Improvement Committee be extended to 31 December 2020.

Item 5: 2020 Meeting Schedule – Sport and Recreation Reference Group Amendment

Report of Ian Curry, Manager Governance and Committee Services

At its meeting on 24 June 2019 Council resolved to adopt a recommendation made by the Sport and Recreation Reference Group:

THAT the Sport and Recreation Reference Group meets four times a year, the next meeting be scheduled before the end of August 2019. All members of the Sport and Recreation Reference Group as well as Councillors be invited to put forward items of interest for the agenda.

The purpose of this report is to amend the adopted 2020 meeting schedule. 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”.

Recommending:

1. THAT Council adopt the amended 2020 Schedule of Meetings, as detailed in Attachment 1 of this report.

Item 6: Investments and Loan Borrowings Held as at 31 January 2020

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 31 January 2020.

The Investment portfolio provided an annualised return of 2.52% for the year to date as at 31 January 2020, 1.12% above the reportable BBSW Bank Bill Index. Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 31 January 2020 is \$8,306,826.48.

The 2019/20 budgeted returns on investments is estimated to be \$1,529,055.00. This is significantly less than previous returns due to the declining cash reserve balances and continued low interest rates. 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 on Investments and Loan Borrowings held as at 31 January 2020 be received.

Item 7: Ridge Street Active Transport Plan (Stage 2) - Consultation Outcomes

Report of Lindsay Munday, Sustainable Transport Projects Coordinator
The *North Sydney Community Strategic Plan 2018-2028* identifies improved walking and cycling connections as a key priority for the community, and community feedback consistently identifies that more people will choose walking and cycling as transport options as safer and more convenient routes become available. The *Ridge Street Active Transport Plan – Stage 2* ('the Plan') responds to this demand by proposing improved access for people walking and cycling to be delivered as part of a comprehensive streetscape upgrade that includes landscaping and public domain improvements.

The project will deliver significant benefit to the community by enhancing the walking and cycling network and improving streetscape and visual amenity along the southern edge of St Leonards Park in accordance with the St Leonards Park Landscape Masterplan. The works will also enable access to a cycling bypass of St Leonards Park proposed in the St Leonards Park Landscape Masterplan and result in additional car parking on Ridge Street.

Consultation on the Plan took place from 31 October 2019 to 17 November 2019, and included stakeholder notification via letter, print and social media, and a web survey on Council's "Have Your Say" page. Council received 29 responses to the survey and 19 submissions/comments.

Survey responses identified strong support for the Plan and in particular the construction of new walking and cycling paths. Given the high level of support in consultation and the consistency of the Plan with Council plans and policies, this report recommends proceeding with the construction of the project in the current financial year.

Council has received a grant from the NSW State Government to construct works discussed in this report in the 2019/20 Financial Year. The grant is for \$275,000 which is 100% of the estimated construction value.

Recommending:

- 1. THAT** the detailed design for the Ridge Street Active Transport Plan (Stage 2) be referred to the North Sydney Traffic Committee for consideration under delegation to the Traffic and Transport Operations Manager.
- 2. THAT** subject to concurrence from the North Sydney Traffic Committee, Council construct new paths, traffic changes, landscaping and public domain works proposed in Ridge Street between Miller Street and the Warringah Freeway in the Ridge Street Active Transport Plan (Stage 2).

Item 8: Draft Amendments to the Outdoor Dining and Goods on Footpath Policy and Guidelines

Report of Risha Joseph, Property Officer

On 20 December 2013, *The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* was amended and introduced 'Footpath-Outdoor Dining' as an exempt development type, subject to specific criteria within the policy.

The amendments to the *Codes SEPP* affect *Section 8* of the North Sydney Development Control Plan (NSDCP) 2013 which relate to the ‘*Outdoor Dining and Display of Goods on the Footpath Policy*’ and its Guidelines.

Council’s “*Outdoor Dining and Display of Goods on the Footpath Policy and Guidelines*” was prepared in conjunction with the criteria contained within the *NSDCP 2013*. It is therefore necessary to update Council’s “*Outdoor Dining and Display of Goods on the Footpath Policy and its Guidelines*” concurrently with the draft *NSDCP*, also tabled for this meeting.

This report seeks the approval of the public exhibition of proposed amendments to Council’s ‘*Outdoor Dining and Display of Goods on the Footpath Policy*’ and its Guidelines to maintain consistency with the approval process detailed within the report.

Nil.

Recommending:

- 1. THAT** the draft amended ‘*Outdoor Dining and Display of Goods on the Footpath Policy*’ and its Guidelines be placed on public exhibition for 28 days.
- 2. THAT** should Council receive submissions, a further report be prepared for Council’s consideration. Should Council receive no submissions, Council consider the draft amended ‘*Outdoor Dining and Display of Goods on the Footpath Policy*’ and its Guidelines as adopted at the end of the closing period for submissions.

Item 9: Implementation of Urban Forest Strategy - Review of Tree and Vegetation Management Policies

Report of Melissa McManus, Landscape Technical Officer

This report details the outcome of a review of Council’s tree and vegetation management policies conducted in response to the adoption of the Urban Forest Strategy January 2019. In particular, it seeks support for changes to Council’s Tree and Vegetation Management policy contained within Section 16 to Part B of North Sydney Development Control Plan (NSDCP) 2013 to provide enhanced protection to existing vegetation that contributes to the local Government Area’s tree canopy coverage.

The proposed changes are in response to the documented decline in urban forest canopy cover across the North Sydney LGA, particularly over private suburban land, first reported to Council in June 2018 and further detailed in the second edition of the North Sydney Urban Forest Strategy, adopted by Council in January 2019.

The Urban Forest Strategy 2019 details actions that need to be taken to arrest the decline and promote increased tree canopy cover. Key short term actions include:

- Conduct a review of Council’s Tree and Vegetation Management policies to ensure that they are effective in protecting urban forest on private land.
 - Develop and implement an Urban Forest Education program to convey to all stakeholders the value and importance of urban forest.
 - Develop and implement an Urban Forest Incentives program to encourage and reward community members that contribute to the urban forest vision.
 - Regularly assess the North Sydney Urban Forest canopy cover using aerial imagery.
-

These actions are reinforced within the North Sydney Local Strategic Planning Statement (LSPS), which was recently adopted by Council for Greater Sydney Commission endorsement on 25 November 2019. The LSPS is to inform Council's planning policies including its DCP, within which the Tree and Vegetation Management policy is located.

A comprehensive benchmarking survey of other councils was undertaken to ensure best practice is achieved. The survey indicated that the industry average tree protection height is 4.7m.

North Sydney currently has a tree protection height of 10m which is significantly less restrictive than other councils. Therefore, to bring North Sydney in line with industry best practice and ensure Council meets its desired tree canopy coverage, it is recommended that the threshold for requiring a permit to prune or remove a tree in North Sydney be reduced from 10m to 5m high, and that the other threshold dimensions for canopy width and trunk diameter also be correspondingly amended to be greater than 5m wide or a trunk circumference greater than 0.5m diameter at ground level.

It is acknowledged that Council's Strategic Planning Department has prepared a comprehensive review of NSDCP 2013, included in the Agenda for the 24 February 2020 Council Meeting (refer Item 10 - North Sydney DCP Review 2020). It is recommended that the proposed changes to the thresholds for tree and vegetation protection be incorporated into this review.

There is likely to be some financial impact to effectively implement this amended policy as the reduced height threshold will result in an increased number of tree pruning and removal applications that will need to be assessed both on private property and on development sites. Until such time as the new height regime is implemented and an understanding is gained of the additional workload, it is difficult to give an estimate of the necessary budget to maintain the current high level of service that is provided to the community.

Recommending:

- 1. THAT** Council endorse the proposed changes to the tree protection thresholds as outlined in this report.
- 2. THAT** the proposed changes to tree protection thresholds be incorporated into the comprehensive review of NSDCP 2013 and that the subsequently amended DCP be placed on public exhibition in accordance with NSW legislative requirements.
- 3. THAT** Council staff continue to implement the other remaining actions to the 2019 Urban Forest Strategy.

Item 10: North Sydney DCP Review 2020

Report of Ben Boyd, Executive Strategic Planner and Liam Rogers, Student Strategic Planner

Council resolved to adopt the North Sydney Local Strategic Planning Statement (LSPS) for the Greater Sydney Commission's final "assurance" on 25 November 2019. At this meeting, Council also resolved to adopt a Planning Proposal to give effect to the local planning priorities and actions of the LSPS and a Local Housing Strategy (LHS) which fulfils one of the actions to the LSPS. The actions to adopted LSPS and LHS also have implications for Council's Development Control Plan (DCP).

Since the commencement of NSDCP 2013, Council staff have maintained a register of issues and anomalies with respect to the operation of the DCP. Given the need to review and amend the DCP to align with the LSPS, LHS and recent Planning Proposal, it is timely to incorporate these miscellaneous housekeeping amendments to ensure that the DCP remains clear, transparent and contemporary.

In this context, the following amendments are proposed to NSDCP 2013:

- Undertaking consequential amendments arising from permitting residential flat buildings in the *R3 Medium Density Residential* zone;
 - Undertaking amendments in order to implement the actions of Council's endorsed *Local Strategic Planning Statement, Local Housing Strategy* and *North Sydney Transport Strategy*;
 - Amending the requirements for residential flat buildings to ensure full consistency with *SEPP 65* and the Apartment Design Guide;
 - Amending the approval processes relating to tree and vegetation management;
 - Amending the provisions for child care facilities to incorporate the recommendations of the Best Practice Guidelines for Above Ground Child Care Centres (Dec 2019) prepared by KU Children's Service and to reflect the requirements of *SEPP (Educational Establishments and Child Care Facilities) 2017*;
 - Adding a new Construction Management section to NSDCP 2013 which outlines the standardised construction hours for developments, details as to when out-of-hours permits may be issued and the issues that need to be addressed and complied in Construction Management Plans;
 - Addressing a variety of outstanding heritage matters including: contributory and uncharacteristic items, dormers, gardens and landscaped settings and uncharacteristic elements for several conservation areas;
 - Ensuring that the DCP applies to development in the *E4 Environmental Living* zone;
 - Adding new provisions to ensure there are separate entrances for residential and non-residential uses in mixed use buildings;
 - Amending Council's provisions for accessibility and adaptable housing to align with industry best practice in this area;
 - Revising acoustic amenity requirements to ensure full consistency between NSDCP 2013 and Council's standard conditions of consent;
 - Revising the controls for views and view sharing in line with an outstanding Council resolution to reference a Planning Principle from the Land and Environment Court;
 - Amending site coverage, unbuilt area and landscape area controls to exclude access handles and rights of way from site calculations;
 - Deletion of site-specific controls for 2 Thomas Street, McMahons Point within Part C of NSDCP 2013 to align with the proposed removal of the clauses within NSLEP 2013 permitting a restaurant or café at 2 Thomas Street under the LGA wide Planning Proposal;
 - Revising references to Legislative Acts, Regulations, planning instruments and relevant council and planning policies;
 - Correcting minor grammatical and typographical errors;
-

- Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments; and
- Correcting errors in relation to street addresses and property descriptions.

Council entered into a grant funding agreement with the Department of Planning Industry and Environment in late 2018 which facilitates the funding of projects associated with the preparation, public exhibition and finalisation of the LGA wide Planning Proposal and DCP amendments which is the subject of this report.

Recommending:

1. **THAT** Council resolves to endorse the attached draft amendments to North Sydney Development Control Plan 2013 for the purposes of public exhibition.
2. **THAT** the draft amendments to North Sydney Development Control Plan 2013, be placed on public exhibition concurrently with Planning Proposal 7/19 – North Sydney LEP Review 2019 for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulations.

Item 11: Planning Proposal 2/19 – Alfred Street Precinct (263-283 Alfred Street North & 4 Little Alfred Street, North Sydney) – Planning Proposal Authority

Report of Ben Boyd, Executive Strategic Planner

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 263-283 Alfred Street and 4 Little Alfred Street, North Sydney (which includes the Bayer Building), also known as the Alfred Street Precinct. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Rezoning the Precinct from B3 Commercial Core to B4 Mixed Use.
- Increase the maximum building height on the Height of Buildings Map from 13m to:
 - 31m (an 18m increase) at 283 Alfred Street;
 - 80m (a 67m increase) at 275 Alfred Street;
 - 28m (a 15m increase) at 271-273 Alfred Street; and
 - 29m (a 16m increase) at 263-269 Alfred Street and 4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

Due to Council not having made a determination within 90 days of lodgement of the Planning Proposal, the applicant lodged a request with the Department of Planning, Infrastructure and Environment on 27 June 2019 for a Rezoning Review.

Despite the lodgement of the Rezoning Review, Council considered an assessment report in relation to the Planning Proposal and the advice from the North Sydney Local Planning Panel on 26 August 2019, wherein it resolved not to support the progression of the Planning Proposal to Gateway Determination. On 31 October 2019, the Rezoning Review request was formally considered by the Sydney North Regional Planning Panel (SNRPP), which handed down its

recommendation on 18 November 2019. In particular, the SNRPP recommended that the Planning Proposal should progress to Gateway Determination, subject to the following conditions:

- the Planning Proposal is to be accompanied by a site specific DCP addressing amalgamation patterns, built form outcomes, footpath widths, public domain upgrades and provision of publicly accessible space on site;
- the establishment of a methodology for the protection and embellishment of nearby public parks;
- the Planning Proposal is to contain a more detailed analysis of potential overshadowing impacts of neighbouring properties; and
- further clarification in relation to the provision of affordable housing is to be provided.

In its correspondence of 18 November 2019, the SNRPP also sought Council's advice with respect to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing Planning Proposals through the plan making process, including ensuring the Planning Proposal is consistent with the Gateway Determination, the public exhibition process, consideration of submissions and the making of an amendment to Council's Local Environmental Plan giving effect to the planning proposal.

This report considers the implications of taking on the PPA role in light of the recommendations of the SNRPP and Council's previous resolutions in relation to the subject lands. In consideration of these implications, it is recommended that Council decline the acceptance of the PPA role, to minimise any perceived conflicts in the next round of assessment and determination processes of the Planning Proposal.

Should Council accept the role of PPA, the applicant of the Planning Proposal would be required to pay the Stage 2 Planning Proposal Fees to cover the expenses of placing the Planning Proposal on public exhibition and the making of the plan. If Council does not accept the role of PPA, the applicant of the Planning Proposal would be required to pay a fee to the Department of Planning, Industry and Environment to cover the expenses of placing the Planning Proposal on public exhibition and the making of the plan.

Recommending:

1. **THAT** Council not accept the role of the Planning Proposal Authority for Planning Proposal 2/19 – Alfred Street Precinct.
2. **THAT** in not accepting the Planning Proposal Authority role, that Council advise the Department of Planning, Industry and Environment:
 - a. that any recommendations of the Sydney North Regional Planning Panel form conditions to any Gateway Determination issued;
 - b. that it consider Council's assessment report and resolution in relation to the progression of the Planning Proposal in determining the imposition of any conditions on the Gateway Determination;
 - c. that the terms of any draft Voluntary Planning Agreement or public benefit associated with the Planning Proposal be determined prior to the public exhibition of the Planning Proposal in conjunction with Council; and
 - d. that the responsible authority to amend North Sydney Development Control Plan 2013 be the same as the Planning Proposal Authority for the Planning Proposal.

3. **THAT** Council advise the Sydney North Regional Planning Panel of its decision.
4. **THAT** once Gateway Determination be issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.
5. **THAT** should Council resolve to accept the role of Planning Proposal Authority, that upon receiving Gateway Determination, Council seek Stage 2 fees to progress the Planning Proposal prior to public exhibition.

Item 12: 8 Hayes Street, Neutral Bay – Draft Amendment to NSDCP 2013 – “Contributory Item” – Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner and Liam Rogers, Student Strategic Planner

At its meeting on 22 July 2019, Council considered a draft amendment to the *North Sydney Development Control Plan 2013* (NSDCP 2013) to include 8 Hayes Street, Neutral Bay as a “contributory item” to recognise its contribution to the Kurraba Point Conservation Area. The draft amendment to NSDCP 2013 was placed on exhibition from Thursday 10 October 2019 to Wednesday 6 November 2019 concurrently with a Planning Proposal to identify 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013.

A total of fifteen (15) submissions were received during the public exhibition period, of which thirteen (13) offered general or specific support for the draft amendment; one (1), supported the proposal but raised concerns around the development potential of 8 Hayes Street; and one (1) objected to the proposal. Having undertaken a detailed assessment of all the issues raised in the submissions, it is recommended that the proposed amendment to NSDCP 2013 to identify 8 Hayes Street as a contributory item proceeds unamended.

Nil.

Recommending:

1. **THAT** Council note the submissions made during the public exhibition of the Draft Amendment to North Sydney Development Control Plan 2013.
2. **THAT** Council adopt the amendment to North Sydney Development Control Plan 2013 as attached to this report (Attachment 1).
3. **THAT** public notice of the amendment to North Sydney Development Control Plan 2013 be given.

Item 13: North Sydney Draft DCP Amendment - Trading Hours in Kirribilli Village

Report of Lara Huckstepp, Executive Strategic Planner

This report recommends that Council endorse draft amendments to the North Sydney Development Control Plan 2013 for the purpose of exhibition, to allow later trading hours within Kirribilli Village.

The draft amendments respond to the outcome of the community consultation undertaken between 19 July 2018 and 17 August 2018, which was carried out to ascertain community views on existing trading hours and permissibility of

small bars within Kirribilli Village. Overall, the outcomes of the community consultation supported:

1. Allowing small bars to be permissible in Kirribilli Village
2. Allowing extended trading hours within Kirribilli Village.

At its meeting on 25 November 2019, council resolved to endorse Planning Proposal 8/19 (Small bars in Kirribilli) and forward it to the Minister for Planning in order to obtain a Gateway Determination. This Planning Proposal seeks to make small bars permissible on some sites within Kirribilli Village which do not have a direct interface with a residential zone. Gateway Determination for Planning Proposal 8/19 was issued on 7 February 2020.

This draft DCP amendment recommends permissible maximum DCP trading hours be modified for properties within Kirribilli Village. For those properties which do not have a direct interface with a residential zone, trading hours are recommended to be increased to 12midnight (Thursday to Saturday); 11pm (Monday to Wednesday) and 10pm (Sundays). Outdoor trading for these premises will be permitted until 10pm.

For all other properties within Kirribilli Village, the draft DCP amendment recommends that the maximum permissible trading hours be increased to 11pm (Thurs – Sat) and 10pm (Sun-Wed). Outdoor trading will be permitted to 9pm. Existing DCP controls continue to remain in place that must be considered in the assessment of all development applications for small bars and extended trading hours. The proposed trading hours provide contemporary planning controls, providing trading hours that will allow for flexibility and vibrancy of uses within Kirribilli Village, whilst ensuring that appropriate measures are in place to minimise impacts upon the residential interface and surrounding locality.

It is proposed to notify the draft DCP amendments concurrently with the Planning Proposal.

Exhibition requirements must be funded from within existing 2019/2020 budgets.

Recommending:

1. **THAT** Council resolves to endorse the attached draft amendments to North Sydney Development Control Plan 2013 for the purposes of public exhibition.
2. **THAT** the draft amendments to North Sydney Development Control Plan 2013, be placed on public exhibition concurrently with Planning Proposal 8/19 – Small Bars in Kirribilli Village for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulations.

Item 14: Pattons Slipway - 62 Willoughby Street, Kirribilli - DA 313/19

Report of Geoff Mossemeneer, Executive Planner

This Development Application is seeking consent to carry out alterations and additions to an existing boat repair facility and marina including the removal of slip rails, timber jetties and mooring piles and construction of a boatshed, installation of a boat crane with the capacity for 35T vessels, installation of a floating pontoon to accommodate five (5) vessels, new concrete hardstand, vehicular crossing and ancillary works.

The site is owned by Pattons Slipways Pty Ltd who are also the applicant.

Council's notification of the proposal has attracted 24 submissions raising particular concerns about amenity, intensification of use, loss of views and building over the water.

The proposal is classified as a marina and therefore Designated Development. Council is not the consent authority for the proposal and instead the application will be determined by the Sydney North Planning Panel. The Panel was briefed on 12 February 2020 and a determination meeting has not yet been scheduled. An issues letter was sent to the applicant following the SNPP briefing.

The purpose of this report is to provide Councillors with information on the assessment of the application thus far, with regard to submissions received and responses from referrals. This information may be used by Councillors to make a submission (independently or collectively) to the Sydney North Planning Panel, if desired.

Nil.

Recommending:

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

Item 15: Parking Provision in North Sydney

Report of Marcelo Occhiuzzi, Manager Strategic Planning

At its meeting on 30 July 2018, Council resolved:

***THAT** the parking provisions within Council's Development Control Plan be urgently reviewed to facilitate an increase in the supply of off-street parking.*

This report reviews the current parking provisions outlined in Council's Development Control Plan (DCP), discusses the rationale behind the establishment of these rates, explores the implications for their amendment and provides Council with options to address this resolution.

North Sydney Council has traditionally taken a progressive approach to parking policy; incentivising walking, cycling and public transport use. This has included carefully managing increases in parking supply so that its availability is maximised while the impacts of traffic are minimized and managed. This balanced approach to parking planning has been fundamental to the development of a broad range of North Sydney's land use, transport and local planning studies developed over the last 5-10 years particularly the lead transport document, the North Sydney Transport Strategy (2018).

This report explores the following options for Council's consideration:

1. Change all rates from maximum to minimum rates
2. Increase specific maximum rates of parking
3. Recognise the diversity of North Sydney's travel/household characteristics and formulate amendments to Council's parking controls accordingly.

This report recommends that a nuanced and place-based approach to the amendment of Council's parking controls would best serve Council's longer-term aspirations and objectives relating to levels of amenity, neighbourhood character, city building and economic prosperity. This would be embodied in the option 3 approach. This may see some areas with increases in parking whilst others may not, depending on area transport characteristics and conditions.

The preparation of an informed and evidence-based amendment to Council's parking controls can be conducted in house. Staff have commenced early preparation of a wide-ranging *North Sydney Parking and Traffic Plan*, which at its core, is taking an informed and place based review of both on street and off street parking management and control to achieve Council's wider place based objectives and aspirations.

Recommending:

1. **THAT** Council note the contents of this report.

Item 16: Planning Proposal No. 6/2019 – 27-57 Falcon Street, Crows Nest – Interim Assessment Report

Report of Neal McCarry, Team Leader Strategic Planning

Council received a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Rezone the site from B4 – Mixed Use to R4 – High Density Residential.
- Increase the maximum building height from 10m to part 24.5m and part 14.5m.
- Apply a maximum floor space ratio control of 1.85:1.
- Remove the current non-residential floor space requirement applying to the site.
- Retain 'retail premises' as a permitted land use on the site.

On 25 November 2019, Council considered an Interim Assessment Report on the Planning Proposal. This report is provided at Attachment 1. At this meeting Council resolved:

1. *THAT Council note the Planning Proposal.*
2. *THAT Council refer the Planning Proposal application to the North Sydney Local Planning Panel (NSLPP) for advice on the following matters:*
 - a. *Rezoning of the site from B4 Mixed Use to R4 High Density Residential.*
 - b. *Increasing the maximum building height to Part 24.5 metres and Part 14.5 metres.*
 - c. *An indicative FSR.*
3. *THAT the advice from the NSLPP be provided to the first Council meeting in 2020.*
4. *THAT Council write to the Minister and the Greater Sydney Commission once again seeking indicative time frames in relation to the making of the Draft 2036 Plan for Crows Nest and St Leonards.*
5. *THAT Council seek assurances from Ethos Urban to communicate factually and extensively with Hayberry Precinct and its members for all issues pertaining to Planning Proposal No. 6/19.*

On 5 February 2020, the Local Planning Panel considered a report on this planning proposal and supported its progression in principle. The minutes of this meeting are provided at Attachment 2.

This report provides the outcomes of the referral to the Local Planning Panel and outlines the issues and steps required before the matter can be further reported to Council for a potential request to issue a Gateway Determination.

The Planning Proposal is not accompanied by any formal letter of offer to enter into Voluntary Planning Agreement. Should the proposal receive a level of in-principle support from Council, negotiations may commence with the proponent

to determine an appropriate level of public benefit to accompany any development uplift.

Recommending:

1. **THAT** following advice from the North Sydney Local Planning Panel:
 - a. Council confirm its in-principle support for the proposed change in zoning to R4 noting the desire for some ground level active use to be provided on the north-western corner of the site.
 - b. Council note the design, character and amenity concerns outlined in the report contained at Attachment No 1 and that these concerns and principles form the basis of development of a revised reference design that will inform the development of detailed planning controls for the site.
 - c. Council support, in-principle, the development of a revised reference design that may accommodate a maximum building height in the order of 5-6 storeys provided a satisfactory outcome is able to be achieved with respect to site layout, heritage, transition to lower scale development to the south and east, overshadowing, provision for landscaped area and the like.
2. **THAT** upon satisfaction of concerns raised in the report contained at Attachment No 1, a site-specific Development Control Plan be developed to help guide any future development application on the site.
3. **THAT** the applicant be invited to provide an offer of public benefit for potential inclusion in a Voluntary Planning Agreement.
4. **THAT** upon satisfaction of the matters contained in Items 1, 2 & 3 the matter be reported back to Council.

Item 17: Precinct System Review

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects

On 25 November 2019, Council adopted the minutes of the Governance & Finance Committee meeting held 4 November 2019, at which a response (progress update) to NoM No. 58/17 was considered. Council resolved (Min. No. 330):

2. THAT Council endorse a review of the Precinct System which includes the following:

- a. an updated Discussion Paper;*
 - b. consultation with active Precinct Committees;*
 - c. an objective to include all of the LGA within an active Precinct Committee;*
 - d. an external consultant to facilitate face-to-face consultation;*
 - e. a Community Engagement Strategy; and*
 - f. a question included in the next Customer Satisfaction Survey (2020) to enable benchmarking with the 1992, 2006 and 2009 survey findings. (GF02)*
- 3. THAT the Code of Conduct - Precinct Office Bearers and Members be reviewed to ensure currency with Council's Code of Conduct - Councillors and Staff (adopted April 2019). (GF02)*
- 4. THAT the Precinct System Guidelines be updated prior to the commencement of the review to reflect current arrangements. (GF02)*
- 5. THAT on a trial basis, the boundaries of the inactive and "as needed" Precinct Committees be merged with active Precinct areas. (GF02)*
- 6. THAT planning commence in recognition of the upcoming 50th Anniversary of the Precinct System, for budget allocation in the next Delivery Program (2021/22-2024/25). (GF02)*

This report seeks endorsement to commence with Stage 1 of the review. In accordance with resolution 2e, a Community Engagement Strategy (Attachment 1) has been prepared detailing the engagement methods to be employed, and how the review will be promoted to stakeholders, to ensure wide-spread awareness of the opportunity to participate.

The review will be conducted in two stages. Stage 1 will obtain preliminary feedback by way of public exhibition (120 days) of the updated Discussion Paper and proposed amendments to the *Code of Conduct - Precinct Office Bearers and Members*, which will commence from mid-March 2020.

In accordance with resolution 2a, the previous Discussion Paper (2012) has been updated. The Discussion Paper (Attachment 2) acts as ‘green paper’, inclusive of six recommendations seeking feedback on components of the current Precinct System to inform the face-to-face consultation, which is to be externally facilitated at Stage 2 (per resolution 2f) and subsequent decision making by the elected body. The proposed timing of Stage 2 is yet to be determined, as it is budget dependent.

The *Code of Conduct - Precinct Office Bearers and Members* was last extensively reviewed in 2010. The Code (Attachment 3) has been reviewed in line with Council’s recently updated *Code of Conduct - Councillors and Staff*, and to address issues/areas not covered currently covered, which include but are not limited to:

- operational funding cannot be used for - political purposes/lobbying election campaigns and memberships;
- proxy voting at Annual General Meetings is not permitted;
- guidance regarding representation at Public Forums prior to Council Meetings (can represent on matters determined/endorsed by a Precinct Committee only);
- use of social media by a Precinct Committee and by office bearers in personal capacity;
- provision of alcohol at Precinct Committee meetings (requires review in context of insurance); and
- dispute resolution and sanctions for breaches of the Code.

Excluding staff costs, the adopted *Delivery Program 2018/19-2020/21* has allocated \$30,000 per annum for “Precinct Support”, which includes operational and event/project funding, venue hire and event insurance (purchased when required) and \$5,000 per annum for printing.

As previously reported, funding for the review has not been allocated in the adopted *Delivery Program 2018/19-202/21*. Review costs, including engagement an external facilitator (Stage 2) needs to be budgeted for in the *2020/21 Operational Plan & Budget*. Costs associated with Stage 1 are limited to advertising, printing and postage and can be absorbed with the 2019/20 ‘Precincts Support’ budget.

Recommending:

1. **THAT** the Community Engagement Strategy (Attachment 1) be adopted.
2. **THAT** the Discussion Paper (Attachment 2) and amended *Code of Conduct - Precinct Office Bearers and Members* (Attachment 3) be endorsed for public exhibition, of minimum 120 days’ duration. Submissions to be invited during the exhibition period, including via an online feedback form and written submissions.

Item 18: Proposed Community Garden at Little Young Street, Neutral Bay - Outcome of Site Meeting

Report of Eric Sturman, Streets Alive Coordinator

At the Council meeting on 28 October 2019, Council resolved to conduct a site meeting at Little Young Street, Neutral Bay with interested Councillors. For the site meeting, the footprint of the garden site was marked out on the ground to gauge its size and position on the park and the proximity to surrounding houses. This project will be funded from allocated funds within the 2019/20 adopted budget for the Streets Alive Program.

The funds for this project estimated at \$80,000 have been allocated in the 2019/20 adopted budget.

Recommending:

1. THAT the Community Garden at Little Young Street, Neutral Bay proceed as proposed.

Item 19: Proposed Community Garden at French Street, McMahons Point - Outcome of Site Meeting

Report of Eric Sturman, Streets Alive Coordinator

At the Council meeting on 28 October 2019, Council resolved to conduct a site meeting at French Street, McMahons Point with interested Councillors. Discussion at the site meeting resulted in a recommendation for Council to pursue the proposal and that the State Member for North Shore be contacted to act on Council's behalf to negotiate with Transport for NSW for a longer-term beautification lease to make the project more viable.

There is no funding available in the current financial year. Any future budget allocation would have to be considered as part of the budget preparation process. The necessary budget for the initial soil contamination assessment, remediation of the land and establishment of the community garden is estimated at \$310,000.

Recommending:

1. THAT the Mayor make representation to the State Member of North Shore, Ms Felicity Wilson, to negotiate with Transport for NSW for a longer-term lease over the French Street, McMahons Point vacant land proposed to be used for a community garden.

Item 20: Primrose Park Art and Craft Centre - Review for 2018/19 of the Joint Strategic Plan

Report of Martin Ellis, Director Community and Library Services

The Primrose Park Art and Craft Centre's Annual Report 2018/19 is presented here in fulfilment of the objectives of the Joint Strategic Plan 2017-19. In the functional areas identified in the Plan it can be noted that the Centre concluded 2018/19 with five active groups: Basketry, Calligraphy, Paper Arts, Photography and Painting.

The Centre was closed for seven months for renovations during the period under review.

Membership stands at 325 locals actively participating in the programs. Many more residents are involved in the Centre through Open Days and workshops. The Centre sometimes reaches out and conducts events externally. Details on the activities throughout the year are given in the Centre's 2019 Annual Report provided here. They include:

Exhibitions in the Centre (all groups):

- Bangalow Basketry Exhibition; Basketry at the North Sydney Children's Festival;
- Basketry and Calligraphy at the Winterfest Medieval and St Ives Medieval Fairs;
- Sydney Craft and Quilt Show, the Royal Easter Show (Calligraphers);
- Renowned international calligraphers, Yves Leterme from France and Toni Watts from England;
- A workshop with North Sydney Council Bushcare on how to make paper from local plant fibres and recycled board (Paper Arts);
- Special calligraphy exhibition at the prestigious Palm House venue at the Royal Botanic Gardens;
- Master classes on night photography, lighting and mirrorless cameras; and
- Master classes from Melissa Read-Devine and Gary Donnellan (Painters: Artists in the Park).

Following a small surplus in 2018 the Centre posted a deficit of \$6,447 for 2019. The Centre reports that during the renovation period contribution levies were suspended. Insurance was maintained. Post renovations tenant storage changes and restocking costs amounting to \$3,600 were incurred; additionally, \$1,000 was contributed supporting the North Sydney Council Art Prize. These costs were met from accumulated reserves. Prudential reserves for \$16,684 are considered adequate and appropriate.

The Centre operates without a cash donation from Council and pays a nominal rent owing to site being Crown Land.

Recommending:

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

Item 21: Crows Nest Centre – 2018/19 Review of the Joint Strategic Plan

Report of Martin Ellis, Director, Community and Library Services

The Crows Nest Centre's (CNC's) Annual Report 2018/19 is presented here in fulfilment of the objectives of the Joint Strategic Plan 2017-20. In the functional areas identified in the Plan it can be noted that:

- Financial management: a small surplus for the year \$8,488 has been posted, a slight improvement over the 2017/18 result which was a deficit of \$8,440.
- Council's core grant of \$395,600 was complemented by State and Federal grants of \$560,845.
- The Centre met all 18 outcomes a Quality Review conducted by the Australian Aged Care Quality Agency.
- The Centre was awarded a continuous "A Grade" food safety rating by the NSW Food Authority.
- The Centre resolved against formal registration with the National Disability

Insurance Scheme, opting for an informal approach to the inclusion of people with a disability wishing to engage with the Centre.

- The Commonwealth Home Support programs continue to be provided: Meals on Wheels and community restaurant (13,000 meals), linen service (145 clients), assisted transport 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, mahjong, internet kiosk and women's wisdom circle, bus outings, healthy ageing classes, special events, socialising in the Pat Brunton Room, Computer Club and Chinese seniors).
- The Centre remained active, despite no government funding this year, in working with new communities; highlights this year included *Reach Your Potential: Migrant Employability Workshops*, (70% of participants found employment); *Homework Help* with experienced adults supervising high school mentors from 8 local schools; Bollywood Music (70 attendees) English Conversation (75 students); Parent groups (Japanese and Spanish mothers and children) and Harmony Week featuring didgeridoos, Bosnian Women's Choir Congolese Poetry, Indian dancing, and Okinawan drumming with 150 people attending. A similar number attended Refugee Week celebrations with standout presenter surgeon Munjed Al Munderis telling of his flight from war-ravaged Iraq.
- Since that event, Al Munderis was named 2020 NSW Australian of the Year for his humanitarian work and contribution to medicine.

This year the Centre signed a 5-year lease with Council until December 2025 under current terms and conditions, with the exception that the Centre is now required to pay water usage fees. This has been calculated at \$10,000 per annum. Without reduction in services, this will send the Centre into deficit as the history of its Financial Statements shows. It is recommended then that Centre's grant be increased by a similar amount, resulting in a net zero effect for both Council and the Centre, to allow the Centre to become aware of its water usage and give it an incentive to conserve.

Other than this issue the Centre's performance and financial results will be taken into account in the 2019/20 Grants and Subsidies program recommendations.

Recommending:

1. THAT consideration be given in the 2020/21 Estimates to increase the Crows Nest Centre's grant by \$10,000 in recognition of the costs of water usage.

Item 22: Stanton Library Second Entrance Project DA 188/19 – Funding Options

Report of Martin Ellis, Director Community and Library Services

Development consent has been received for the second entrance to Stanton Library, linking the Library to the Ridge Street Car Park for the first time. The Stanton Library Masterplan has been steadily progressed since it was adopted by Council (21 March 2016; Item 59) with a new ground floor design, rearranged collections and new furniture and fit out.

The Second Entrance project is Stage 3 of the Masterplan and corrects a major access issue for the public.

Currently, users, notably those with a disability and carers with prams face a circuitous and lengthy (100 metres), largely uncovered, path from James Place, along Ridge Street and then to Miller Street. When the project is complete there will be direct access from the carpark to the Library. Work on the Construction Certificate documentation is complete, and a Principal Certifying Authority has been appointed.

Cost of works \$800,000

Contingency (10%) \$80,000

Project Management \$10,000

Total \$890,000

Source of Funds

\$450,000 already allocated in 2020/21

\$50,000 carry over from 2019/20 Minor Access Works

\$50,000 carry over from 2019/20 community centres capital works

\$40,000 contribution in 2020/21 from Stanton Library Masterplan

\$100,000 contribution in 2020/21 from Minor Access Works

\$200,000 Library Development grant (Minister announces grants in March 2020)

Funding for the project is appropriate.

Recommending:

1. **THAT** Council note the progress in obtaining Development consent and submission of the grant application for the Stanton Library Second Entrance project.

2. **THAT** subject to approval of the grant application, funding be consolidated in the 2020/21 budget for the project from the sources identified within the report.

Item 23: Writers @ Stanton Program - Review of 2019 and 30th Anniversary

Report of Kate Stewart, Library Customer Service Coordinator

Writers @ Stanton is Stanton Library's visiting author talk program, managed with the support of a local bookshop since 1990.

During 2019 there were a total of 42 Writers @ Stanton events, with 2,497 attendees. In 2020 we celebrate the thirtieth year of the program and anticipate a similar frequency of events, with authors already confirmed up to May.

In December 2019 Library staff conducted a survey of program attendees to seek their feedback. This is the first significant consultation in a series planned to continue in 2020 and will include several of Stanton's key public programs and services:

- "My Stanton" Library Lovers Day promotion;
- Early literacy and children's activities;
- Heritage Centre programs; and
- Library groups.

Of the requests and suggestions identified in the Writers @ Stanton survey, the strongest view expressed was on the negative impact of the cost of parking and lack of parking close to the library for this short event. Comparisons were made with the discounted parking rates available to users of North Sydney Community Centre. Other suggestions such as the benefits a dedicated space

for the program would deliver and an accessible path of travel from the car park are being addressed through in the Stanton Library Masterplan Minimal staff costs for set up and restoring the space to a reading and study area; and for preparation of flyers and doing the introductions. The authors receive no fee (unlike the Sydney Writers Festival). The Bookshop liaises with each author's publisher and agent, ensures stock are available for the day, and in return benefits from the sales.

Recommending:

1. **THAT** the Library's customer feedback surveys for 2020 be noted and identified improvements implemented where possible.

Item 24: Waverton - Alcohol Managed Areas - Renewal for 2019-23

Report of Martin Ellis, Director Community and Library Services

Council's current Alcohol Free Zones (on streets) and Alcohol Prohibited Areas (in parks) have been renewed until November 2023. In the process the Alcohol Managed areas in Waverton which were in force from 2015 to 2019 - as illustrated with this report - were overlooked. The purpose of this report is to place these areas on public exhibition to allow for comment. The proposed areas are unchanged from the past four years.

There are no financial implications as sufficient numbers of signs are in stock to complete the project.

Recommending:

1. **THAT** the Alcohol Prohibited Areas and Alcohol Free Zones in Waverton as illustrated in this report be renewed for four years, to expire on 30 November 2023, and that this proposal be placed on Public Exhibition for a minimum of 28 days.

Item 25: Forsyth Park Playground Upgrade and Increased Capacity

Report of Martin Ellis, Director, Community and Library Services

This report proposes an upgrade to Forsyth Park Community Centre's playground. A design will be completed in 2019/20, with construction proposed for 2020/21. The proposal is the final stage in a series of upgrades to important childcare playgrounds in Council facilities, following McMahons Point Community Preschool in 2018 and Greenwood Long Day Care in 2020. Users of the Forsyth Park playground are Forsyth Park Playgroup, Montessori Preschool, Council's Vacation Care and local residents who hire the facility on weekends.

The current playground last received an upgrade in 2004. This minor upgrade was unable to resolve the problem of external storage (capacity, safety, waterproofing and resolving WHS issues for parents and carers) - essential to a multi-user playground.

Current users rely for storage on a dilapidated tin shed in the grounds and the former Park Groundsman's series of cages formerly used for topsoil and fertilizer, housed in the lean-to attached to the main building. The main hard

surface play area has reached the end of its life and there is a lack of play equipment delivering developmental opportunities for the children.

The design is following the guidelines of a Feasibility Study that has just been completed for introducing an afterschool care option to the Centre and establishing purpose-built changerooms for the playing fields. This Study has been done in conjunction with the Division of Open Space and Environmental Services

Design is costed at \$9,000 and is funded in this year's Operational Plan; Construction costs are estimated at \$200,000 for both playground and storage. It is estimated the works will greatly increase the capacity of the centre to cater for playground users. Sufficient funds are available in Section 94 Reserve - Child Care.

Recommending:

- 1. THAT** Council notes the issues associated with the current Forsyth Park playground.
 - 2. THAT** Council considers an allocation of \$200,000 from the Reserve - Child Care in the 2020/21 to upgrade Forsyth Park Community Centre's Playground.
-

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

Item 26: Notice of Motion No. 1/20 – Cr Mutton– 24/11/19

Re: Extension of land into Sawmillers Reserve

THAT Council resolve to:

- i. Seek to lease on terms to be approved by Council from the Government of NSW the “unused land” and incorporate that land in to Sawmillers Reserve.
- ii. Seek to reach an agreement on terms to be approved by Council with the Government of NSW and the Scout Association of Australia, North Sydney Region pursuant to which the toilets in that hall are made available for public use.

BACKGROUND:

The railway between Waverton Station and Lavender Bay was designed to accommodate and first built with two rail lines. One of the rail lines was removed in the early 1960s leaving unused a significant area of land stretching alongside the rail line.

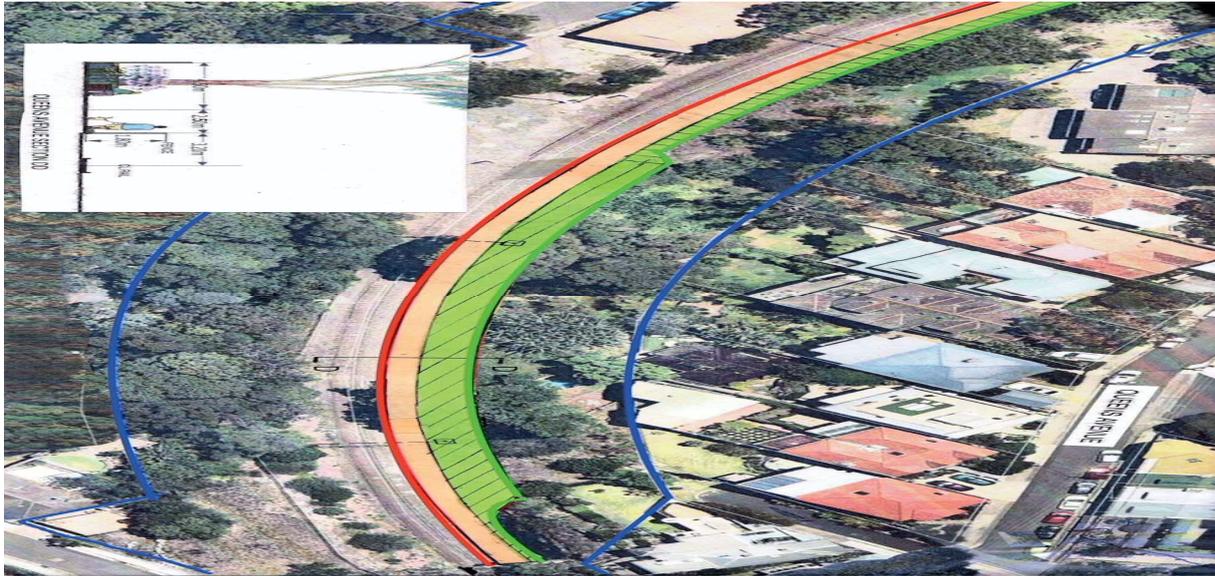
The railway is 3.2 kilometres long; it passes through a tunnel under McMahons Point.

A hall with toilet facilities has been erected on the land near the Victoria Street bridge. The hall is “occupied” by the Scouts Association of Australia, Sydney North Region pursuant to an arrangement with the NSW Government (Sydney Trains).

Sawmillers Reserve has no permanently installed toilet facilities.

A fence has been erected on the railway to the south of the remaining rail line. A significant area of land to the south of the fence is unused (“unused land”) and largely overgrown.

The “unused land” excluding the section occupied by the hall between the Victoria Street bridge and the tunnel is variously contiguous with Munro Street and Sawmillers Reserve.



Item 27: Notice of Motion No. 2/20 – Cr Mutton– 16/12/19

Re: Proposed amendment to Code of Meeting Practice

THAT Council resolve that a Public Forum be held prior to and starting one hour before each and every ordinary and extraordinary meeting of Council and of each and every meeting of Committees of the Council.

BACKGROUND

North Sydney Council has a long and proud history of engagement with members of the public.

It is a history built on the recognition of the importance that it has attached to the need for the elected to hear and understand the concerns of their electors.

An important forum for engagement is the opportunity members of the public have to address Council on items of business to be considered at the meeting in a public forum held prior to each ordinary and extraordinary meeting of Council.

The Code of Meeting Practice provides that a Public Forum may be held and not that it must be held.

General Manager’s Comment (Manager Governance and Committee Services)

With respect to Clause 3.11 of the North Sydney Council Code of Meeting Practice it is considered that the subject Notice of Motion has policy implications that require consideration.

Council adopted its current Code of Meeting Practice on 24 June 2019. Clause 4.1 of the new Code provided that:

The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary Council meetings and meetings of Committees of the Council.

In the report to Council on 29 October 2019 regarding the 2020 meeting schedule, provision was made for a Public Forum to be held at 6.30pm prior to every Ordinary Meeting of Council.

The proposal to extend Public Forums to Committee and Extraordinary Meetings has implications and flow on effects, identified below:

1. Committee meetings.

- Committees have no delegations and only make recommendations. Having a compulsory Public Forum prior to Committee meetings would result in the public having two opportunities to speak on each matter before Council; firstly when it is initially put to the Committee and then again when the recommendation from the Committee is put to Council. Past experience where items were represented to Ordinary Meetings on multiple occasions was that it is often the same people with largely the same comment that will speak twice.
- Attendance at Committee meetings and briefings during this term has been low. In order to attempt to reduce the number of times that Councillors need to attend Council each month (and therefore attempting to increase attendance) Governance have been attempting to limit the briefing schedule to the same nights as Committee meetings, where possible. Scheduling Public Forums prior to Committee meeting will result in these meetings starting an hour later and significantly reduce available time for briefings. This will result in the need for an additional “briefing only” session having to be scheduled every month.
- Committee meetings have deliberately been kept informal to encourage dialogue between Councillors and senior staff during Committee meetings. This helps senior staff understand Councillors’ concerns and improves the opportunity for Councillors to understand and explore issues prior to final determination at Ordinary Meetings. The size and layout of the Supper Room limits its capacity to facilitate Public Forums. Holding Public Forums prior to Committee Meetings generate force the need to relocate Committee meetings into the Council Chambers, which will change the dynamics of Committee meetings, making them more formal and reducing dialogue.

2. Extraordinary Meetings

- The Local Government Act specifically facilitates Extraordinary meetings to be called to address urgent situations. In the case of emergencies, the Act removes the notice period for Extraordinary meetings allowing them to be called very quickly. In such situations it may be

impracticable to hold a Public Forum or, alternatively, the self-imposed need for a Public Forum will limit the timeliness in which Council can react.

- There are specific obligations placed on the Mayor in respect to calling Extraordinary meetings under the Act. Requirements of the Act will take precedence over any policy position of the Council.

Committees of Council are reconstituted following each Council election.

Confidential Matters

Item 28: Contract 6-2020 - St Leonards Park Upgrade – Stage One – Miller St Forecourt. Cancellation Of Contract and Proposal to Enter into New Contract

Report of David Banbury, Landscape Architect/Project Coordinator

St Leonards Park is being upgraded in accordance with the St Leonards Park Landscape Master Plan, with works being staged over a number of years as funding permits. A contract (#6/2020) was entered into for Stage One Works, comprising the Miller St Forecourt / Fig Tree Lane entrance and works were due to start. During the pre-commencement phase the contractor advised they were in financial difficulties. The company (Contractor) was subsequently wound up by court order and Council's contract with them was cancelled. To undertake the St Leonards Park Stage One works it is necessary to enter into another contract. Negotiations have been held with the second-ranked tender from the tendering process for the above contract, with a view to entering into a contract, should Council resolve to do so. Details are contained in the Confidential Memorandum accompanying this report.

Funding is allocated in the current financial year (19/20) budget for St Leonards Park Master Plan implementation capital expenditure (budget number 7085.1781.145). In addition, funds will be required to be brought forward from the 20/21 F.Y. capital allocation for St Leonards Park, as detailed in the accompanying Confidential Memorandum.

Recommending:

1. **THAT** Council accept the tender, as amended by negotiation per details in the Confidential Memorandum, of the second highest ranked Tenderer for Tender 6/2020 - St Leonards Park Stage One - Miller Street Forecourt.
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
2. **THAT**, once Council has executed the Contract, information relating to the contract 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*.
4. **THAT** the necessary funding be brought forward from the 20/21 F.Y. capital allocation for St Leonards Park to supplement the funding available in the current financial year.

Item 29: Neutral Bay & Cremorne Public Domain Upgrade Stage 2 – Tender 20/2020

Report of Chris Stevens, Engineering Project Manager

Tenders were called and were received until 4:00pm, Tuesday 28 January 2020 for the submission of tenders to undertake Neutral Bay & Cremorne Public Domain Upgrade Stage 2 – Contract 20/2020

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.

This project is partly funded by Transport for NSW (TfNSW) under a Funding Deed from the Northern Beaches B-Line Program. This Grant must be expended by 30 June 2020.

The remainder of the project is funded by the Neutral Bay and Cremorne Masterplan Program and the Military Road Upgrade Capital Works Budget.

Recommending:

1.THAT Council accept the tender of the highest ranked Tenderer for Tender 20/2020 for Separable Portion A – Military Road north side – Waters Road to opposite Hampden Avenue (Zone 2) [Neutral Bay East].

2.THAT Council accept the tender of the highest ranked Tenderer for Tender 20/2020 for Separable Portion B – Military Road north side – Winnie St to Cremorne Garden Plaza (Zone 4) [Cremorne Central].

3.THAT Council accept the tender of the highest ranked Tenderer for Tender 20/2020 for Separable Portion C – Military Road south side – Rangers Road to 203-207 Military Road (Zone 8) [Neutral Bay East].

4.THAT Council accept the tender of the highest ranked Tenderer for Tender 20/2020 for Separable Portion D – Military Road south side – Holt Avenue to Spencer Road (Zone 11).

5.THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

6.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.

Item 30: 2nd Quarterly Property Portfolio Report 2019/20 – October to December 2019

Report of Damian Warren, Property Officer

The purpose of this report is to provide Council with the following information for the quarter ending 31 December 2019:

- Financial position of the Property Portfolio
- Vacancy Position of the Property Portfolio
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- Major Property Projects for the quarter

Council's actual Year-to-Date income received through the Property Portfolio is on target as per the annual forecast. For the detailed breakdown of income received through the Property Portfolio refer to Table 1 of this Report.

Recommending:

1. THAT the Quarterly Property Portfolio Report for the 2nd Quarter of 2019/20 (October to December 2019), be received.

Item 31: Coal Loader Artist Studio - Summary of 2019 Program and Selection of 2020 Artist in Residence

Report of Alison Clark, Team Leader Arts and Culture

The Coal Loader Studio artist Haruka Kokubu was very productive throughout 2019 holding monthly open days, workshops and artist talks. Four free community art workshops and two fee-based workshops were held during the residency period which were very popular with the community, catering for both children and adults. With a background in the visual arts and a focus on painting and working with eco dyes and contemporary textiles, Haruka facilitated a range of workshops including 'Landscape painting with Eucalyptus dye & mordants', 'Natural dye using mordants and Itazome technique', 'Landscape Drawing using natural dyes' and 'Landscape painting using natural dye and mordant'. Haruka also participated in the annual Children's Creative Festival program delivering workshops designed for children in October and had a stall at the quarterly Artisans Market'. Haruka is also a volunteer gardener at the Coal Loader bringing her passion for sustainability into her practice and sharing her insights with the community. Overall, the year was a very positive experience for Haruka and a benefit to all who participated in her open days and workshops. Details of the recommended 2020 Artist are also provided. The period of residency for next year is in two phases, interrupted by another arts project that has been scheduled.

The artist is not required to pay a rental fee but instead is required to be available to provide an "Open Studio" for the public one day per month and design and deliver four workshops to the community at no charge. This is in contrast to the Primrose Park Artist Studios which have bathroom, kitchenette and all-weather facilities and where a low-cost rental is charged.

Recommending:

1. THAT Council supports the selection of Applicant 1 for the Coal Loader Artist Studio Artist in Residence Program commencing 1 April to 30 September 2020 and 1 November 2020 to 26 February 2021.

Item 32: New Applications for Reference Group Membership

Report of Melissa Dunlop, Governance Co-ordinator

The purpose of this report is to inform Council of two applications received for citizen membership. Mr Layton Gould and Mr Mark Ohlsson, General Manager and Vice President of Cammeray Golf Club respectively, have applied to be members of the Sport and Recreation Reference Group.

Cammeray Golf Club is a lessee of Cammeray Oval and would like to be involved in any discussions regarding its future.

Recommending:

1. THAT the applications from Mr Layton Gould and Mr Mark Ohlsson, General Manager and Vice President of Cammeray Golf Club, for citizen membership of the Sport and Recreation Reference Group be accepted.