



Council Chambers
15 November 2018

The 3711th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.00pm on Monday, 19 November 2018. 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.

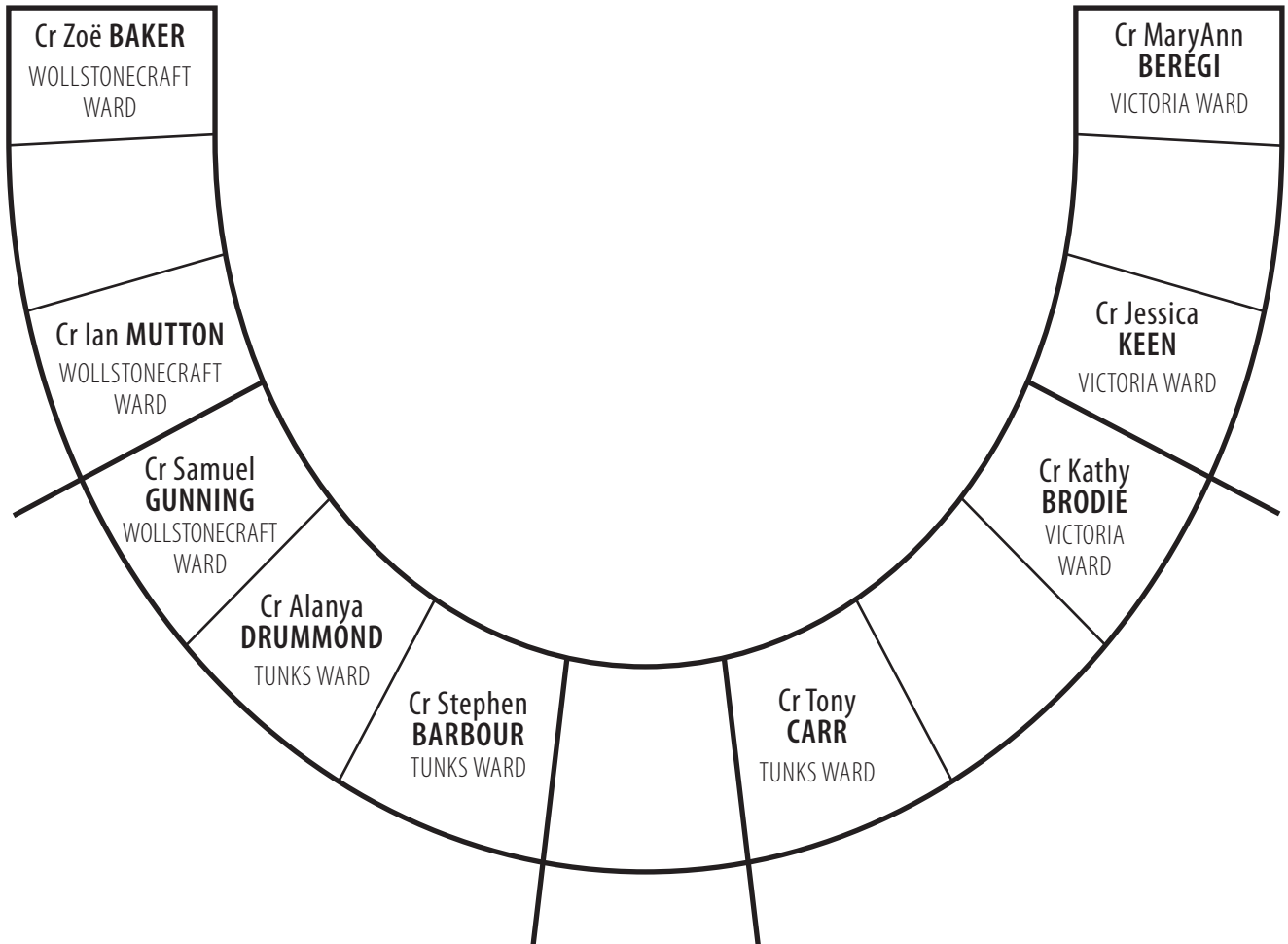
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - ***IDENTIFICATION OF MATTERS BROUGHT FORWARD -***
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**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

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



COUNCIL OFFICERS

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



Explanatory Notes for Members of the Public Attending Meetings

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

COUNCIL MEETINGS



Explanatory Notes for Members of the Public Attending Meetings

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

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

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

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

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

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

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

SUBJECT: 3711th MEETING OF COUNCIL TO BE HELD ON MONDAY, 19 NOVEMBER 2018

LEAVE OF ABSENCE

Councillors Gunning and Keen have advised that they are unable to attend the meeting of 19 November 2018 and are seeking leave of absence.

Recommending:

THAT leave of absence be granted to Councillors Gunning and Keen for the meeting of 19 November 2018.

CONFIRMATION OF MINUTES

THAT the Minutes of the previous 3710th Council Meeting held on Monday, 29 October 2018 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

1. MM01: Vale Ted Mack

No one in recent times had affected the spirit and face of North Sydney more than Ted Mack. He represented this area at all three levels of government - local, state and federal. He is, in fact, the only Australian to have completed this trifecta as an Independent. For that Ted was called the 'father of the Independents'. His commitment to participatory, open government and his unimpeachable defence of ethics laid the foundation for a truly deep admiration and affection among North Sydney residents.

During his time on Council Ted worked to improve the area's affordable housing stock, refurbish the main oval at St Leonards Park, finalise Civic Park, and improve Stanton Library. He designed a set of bus shelters that still characterise the local streetscape. Two major heritage reviews established an extensive list of protected buildings and the notion of conservation heritage areas. There was much more.

Ted's first encounter with North Sydney Council was triggered by the rapid approval of three high-rise buildings around the house he had lived in with his family since 1966. He was a qualified and experienced architect and had only moved to this area because it was still more affordable than Paddington where he had been born in 1933 and which was one of the first of Sydney's suburbs to experience gentrification. The approvals affecting Ted's two storey semis in Neutral Bay were evidence of a Council and planning outlook that had little regard for community notification, let alone consultation. But in fact, the provocation of Ted Mack, private citizen and professional architect, was an example of an old way of operating already under review. At the end of 1970, the locally-based architectural firm Ancher, Mortlock and Murray was engaged to formulate new planning strategies that included participatory planning. The creation of resident-based precinct committees was part of that reform. The timing was perfect and Ted Mack duly got involved in his local Neutral Bay precinct.

By 1973 Mack had formulated a set of ideas about planning. In an article titled 'Nuremburg Shazam or Development Controls', published in *Architecture in Australia* in June 1973, Ted rejected the notion of expert centralised planning and laid out a case for bottom up democratic planning with an opening nod to Jane Jacobs' critique of 'the Pseudo Science of City Planning' in her 1961 classic *The Death and Life of Great American Cities*. Single use zoning, he suggested, confers 'the order of the cemetery' on a place by destroying its diversity. Aesthetic control, he continued, 'would be ludicrous if it did not contain overtones of irrationality and fascist elitism'. In fact, 'ghastly good taste' arbitrated by censorial experts ran counter to the 'qualities of spontaneity, variety and... excellence'.

Ted's concept of good planning depended upon the 'widest possible public participation'. Its 'values and goals' should be 'derived from the people it purports to serve'. Planning should be flexible and reflexive. The task for authorities, therefore, was to establish the 'complex social mechanism necessary to achieve this'. The seeds of Ted's championing of open government and a more consequential precinct system can be detected in these missives. He would later look to the Swiss system of popular referenda as the ideal system of government.

The following year Ted was invited to run for Council by Robyn Read who herself had been motivated to stand in 1970 by anger at 'middle-aged men making the most appalling decisions' that affected other people's lives. Read was a young university educated woman, part of the wider resident action phenomenon and typical of many in that movement.

She had been a minority voice in 1970 but by 1974, Ted recalled a council that was shifting; 'representing the left to the right of the political spectrum'. This was a 'new breed'. Architect and local resident Judith Ambler had joined Read as part of the group who supported organic low-rise development. The population of the area was also changing with young professionals such as Read and Mack becoming an important constituency. In 1979 Chris Johnson, future Government Architect, helped to establish the local newspaper, the *North Sydney Post*, to report on development issues. In 1980 the *Post* called for a 'clean sweep' of Council in the upcoming local government election and endorsed Ted Mack for Kirribilli Ward.

The 1980 election was extraordinary. Ninety-two candidates ran for 15 positions and only 5 sitting councillors were returned. Ted Mack was one of those and he became Mayor.

The changes over the following decade are a testimony to Mack's belief in direct democracy and responsive, rational and open government:

- In 1980 a revitalised precinct system was introduced which gave residents greater input into development in their area; 'to be part of the actual decision making process of Council, not just consultative bodies'.
- Mayoral Mercedes is sold and funds put into community bus fleet.
- In 1981 North Sydney Council was the first Council in the State to commission a Heritage Study. The Latona Masterman report laid the groundwork for a more comprehensive study in 1993 and the establishment of Heritage Conservation Areas.
- In 1982 Civic Park opened after defeat of high-rise Civic development proposal.
- In 1983 popular Mayoral elections were introduced.
- In 1987 St Leonards Oval is extensively refurbished by North Sydney Council.
- In 1988 the office block is completed behind Stanton Library - adds to Council's property portfolio and income stream which was an important part of Mack's vision of an independent self-sufficient Council.
- In 1989 Local Environment Plan gazetted after remaining in draft form for eight years.

Ted Mack's time as North Sydney Mayor coincided in large part with his career in New South Wales parliament 1981-1988. He believed that the former was assisted by the latter. In 1991, after being elected to the Federal seat of North Sydney, he helped establish the 'North Sydney Independent Movement'. In a letter of invitation to residents he noted that 'over the last fifteen years or so, a set of values and aspirations has developed in the North Sydney area which could loosely be described as the Independent movement'.

Ted Mack stayed interested in the politics of the local area to the end. Immediately following the Local Government Elections in 2017, Ted contacted the newly elected Kathy Brodie and invited her to his home for a cup of tea and

a chat. When he passed away after a stroke on 6 November 2018, North Sydney lost an eloquent and passionate advocate and defender.

I therefore recommend:

1. THAT following the recommendation from the Council Meeting on 25 June 2018 regarding the proposal to rename the site currently referred to as “North Sydney Civic Centre Park” to “Ted Mack Civic Park”, steps be taken to fast-track the renaming and a community event be held to recognise the occasion.

REPORTS

General Manager's Office

2. **GMO01: Matters Outstanding – November 2018**

Report of Ken Gouldthorp, General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 29 October 2018 is presented.

Recommending:

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

3. **GMO02: North Sydney Council Annual Report 2017/18**

Report of Sarah Malcolm, Corporate Planning Coordinator

Council's Annual Report for the financial year ended 30 June 2018 has been completed in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005 (Part 9, Division 7)*, the Office of Local Government's *Integrated Planning and Reporting Guidelines (2013)* and *Circular 18-28 Annual Report Checklist*, issued 26 September 2018.

Recommending:

1. **THAT** the Annual Report for the financial year ended 30 June 2018 be received.

City Strategy Division

4. CiS01: Short-term Rental Accommodation (STRA)

Report of Adele Bechara, Senior Compliance Officer

The NSW Legislative Assembly Committee on Environment and Planning conducted an inquiry into the Adequacy of the Regulations of Short-Term Holiday Letting across NSW in 2015.

In 2016, the Committee published its report and recommendations which were supported by the NSW Government which subsequently allowed for the release for an Options Paper in 2017. This Options Paper allowed for feedback from the Public which attracted almost 8,000 submissions. The submissions received sought feedback on regulatory approaches to Short-Term Rental Accommodation (STRA) and assisted in the formation of a framework for STRA in NSW.

On 5 June 2018, the NSW Government announced the framework that aims to support the economic value of the industry and manages the impacts on the community. This framework includes state-wide planning controls and a mandatory Code of Conduct for all online accommodation platforms, letting agents, hosts and guests. The framework will address the issues with STRA such as noise levels, disruptive guests and the effects on shared neighbourhood amenities. Such framework is aimed to be executed through amendments to current planning instruments, and strata and Fair Trading legislation.

The Department of Planning and Environment is proposing a number of amendments to introduce the state-wide planning framework for STRA. These proposed amendments are outlined in the Department of Planning & Environment's report titled "*Explanation of Intended Effect – Short-term Rental Accommodation Planning Framework*" Oct/Nov 2018. This Council report is in response to the abovementioned and submissions will be made in accordance with the above. The proposed amendments affect North Sydney Council in terms of monitoring and regulatory obligations which will be outlined in the submissions.

Tourist and visitor accommodation is formally defined in North Sydney Council's Local Environmental Plan (LEP) 2013 as "*a building or place that provides temporary or short-term accommodation on a commercial basis*". North Sydney Council defines an Airbnb-type stay as short-term rental accommodation (STRA) and is formally defined in the North Sydney LEP. North Sydney Council's current planning controls do not allow for tourist and visitor accommodation in residential zones as STRA is considered to be a commercial activity. Therefore, currently, short term accommodation can only be provided in hotels, hostels, serviced apartments and the like in the North Sydney Local Government Area and is prohibited within residential properties. The purpose of this report is to outline the proposed framework to the current planning instruments and the effects it may have on North Sydney Council with regard to the enforcement of these proposed changes.

There are minimal financial implications.

Recommending:

1. THAT Council prepares and forwards a submission to the Department of Planning and Environment in response to the *Explanation of Intended Effect –*

Short term Rental Accommodation Planning Framework. The following issues and principles are to be included:

- challenges arising in the regulatory process; and
 - clarity regarding the permitted 180 days, in particular, whether it be consecutive days or intermittent days. Should it be intermittent, the need for a State register to assist with investigation triggered by complaints.
2. **THAT** Council seeks an undertaking from Department of Planning and Environment that this initiative will not be enacted until further information is provided, to the satisfaction of Council, in relation to the application of enforcement powers.

5. **CiS02: Proposed Western Harbour Tunnel and Warringah Freeway Upgrade Link – Air Quality Monitoring Report**

Report of Fiona Mulcahy, Team Leader Environmental Health

At its meeting of 25 June 2018 Council resolved as follows:

1. **THAT** Council note the report and endorse the urgent engagement of a specialist to scope an appropriate and cost effective air monitoring system prior to seeking tenders from relevant suppliers.

SLR Consulting Australia Pty Ltd (SLR) was commissioned by Council to provide advice on a proposed ambient air quality monitoring program to establish baseline air quality in North Sydney around the proposed location of the tunnel ventilation stack associated with the Western Harbour Tunnel and Warringah Freeway Upgrade.

A report was prepared which advised on, amongst other matters, the pollutants to monitor for, and offers three options for carrying out an air quality monitoring program along with siting locations for the monitoring equipment.

The options are:

- Option 1 – Compliant Monitoring Station.
- Option 2 – Equivalent Monitoring Station.
- Option 3 – Non-Compliant Monitoring Station.

The Option of installing a Compliance Monitoring station is the preferred option as this equipment is compliant with current Australian Standards for ambient monitoring of the relevant pollutants and uses methods outlined in the Approved Methods for Sampling. This method will stand up to third party scrutiny.

An air quality monitoring program is currently unfunded in the adopted Delivery Program. The indicative cost for the preferred option is \$160,000 + GST per annum. Should this program proceed, a budget reallocation will need to be considered in the next quarterly budget review.

Recommending:

1. **THAT** Council determines its position on this matter.

6. **CiS03: NSW Government Plans for St Leonards and Crows Nest - Overview**

Report of Emma Booth, Team Leader Design

On 15 October 2018, the Department of Planning & Environment (the Department) placed the draft *St Leonards and Crows Nest 2036 Plan* (the 2036

Plan) and a suite of supporting documents on public exhibition. The 2036 Plan proposes significant residential and employment growth in the precinct, principally as a result of the new Crows Nest Metro station opening in 2024. A new state levy is proposed to fund regional infrastructure.

A rezoning proposal for the Metro site is also on exhibition. It proposes to amend the *North Sydney Local Environmental Plan (2013)* to enable the construction of a 17 and two 27-storey mixed use towers on the Pacific Highway and an 8-storey mixed use building along Clarke Street.

This report outlines key issues that are currently under investigation in the exhibited material.

Overall, a significant amount of Council's own strategic planning work in St Leonards has been adopted by the 2036 Plan, most notably the approach to built form, employment, landscape proposals and support for the proposed arts centre. This is a strong validation of Council's work.

Across the precinct as a whole, and particularly in Crows Nest, however, there is concern that the 2036 Plan proposes an oversupply of residential capacity and is not supported by adequate plans for employment, transport, open space, social infrastructure or utilities. The proposed new state levy has the potential to significantly weaken Council's community-endorsed placemaking plans for the area.

There is further concern that the Metro rezoning proposal will enable buildings that are out of scale with the fine grain nature and village atmosphere of Crows Nest, overshadows Ernest Place and Willoughby Road and brings limited employment and public benefits to the area.

Greater collaboration with local government and the community is needed to refine the 2036 Plan, the state levy and Metro rezoning proposal to ensure growth is well managed and supported by the timely delivery of upgraded open space, recreation and social infrastructure.

The Exhibition was set to conclude on 3 December 2018. However, an extension to the exhibition period through until 8 February 2019 was announced for the St Leonards draft planning package (exclusive of the Metro rezoning proposal), on the basis that *the community and each council has sufficient time to review the material and prepare their submission.*

This extension does not apply to the exhibition period for the Metro rezoning proposal. That exhibition will conclude on 3 December 2018 to *enable the rezoning and the first stage of a State Significant Development application for the integrated station development to be progressed concurrently.* Council should consider requesting a formal extension to the exhibition period for the Metro rezoning on the same basis that the extension was granted for an extension to the St Leonards draft planning package.

A more detailed report at either the 10 December 2018 Council meeting or the first meeting in 2019, noting the recent extension of the exhibition period, will follow. It is this report that should form the basis of Council's formal submission.

This report deals with (draft) State Government Legislation Policy which may have a substantial effect on Council's budget. This report is for information purposes only. It does not make recommendations that have direct financial implications.

Recommending:

- 1. THAT** Council note the information in this report.

7. **CiS04: North Sydney LEP Review**

Report of Marcelo Occhiuzzi, Manager Strategic Planning

As part of the Greater Sydney Commission's creation of the regional plan for Sydney, *A Metropolis of Three Cities* and the *North District Plan*, there are requirements for all Sydney Councils to prepare:

1. Local Environmental Plan (LEP) Review "Road Map".
2. Local Strategic Planning Statements.
3. Local Housing Strategies.

This report presents the first of these mandated requirements. It also fulfils the first task in the initial milestone required for the LEP Acceleration Grant Funding, recently reported to Council on 29 October 2018.

The purpose of this review is to identify how closely aligned the provisions of the *North Sydney Local Environmental Plan (LEP)* and other Council policies and strategies to the Greater Sydney Commission's (GSC) *North District Plan*. This LEP review provides the context that will help identify the priorities for investigation to inform Council's preparation of the *Local Strategic Planning Statement (LSPS)*.

This assessment also assists to identify the planning priorities for Council in the short term. This will not only assist in the preparation of the mandated LSPS, but also the projects and strategies that will be given priority with the LEP Acceleration Grant Funding.

The review finds that the planning framework for North Sydney is robust and reasonably consistent with the District directions and aspirations but that further work could be conducted in several key areas to achieve a more holistic consistency with the *North District Plan*. The following priorities are identified and proposed to be pursued in the short term:

- St Leonards/Crows Nest Planned Precinct implementation.
- Local Housing Strategy.
- Military Road Corridor – Stage 2.
- North Sydney CBD North Precinct Planning Study.
- Developer Contributions review to better account for growth and infrastructure requirements.
- North Sydney CBD Public Domain Implementation Plan.
- Ward St MP Implementation Plan.
- Tourism and Visitation Strategy.
- Investigation of whether Floor Space Ratio Controls should be introduced into the LEP.

The Greater Sydney Commission will be systematically assessing all LEP Reviews conducted by Councils in Sydney and this is expected to be conducted prior to the end of 2018.

This report represents the first task in the initial milestone required for the LEP Acceleration Grant Funding. Expenditure associated with addressing the planning priorities is covered in full by existing adopted budgets or the LEP Acceleration Grant Funding.

Recommending:

1. THAT Council endorse the attached North Sydney LEP Review for submission to the Department of Planning and Environment and the Greater Sydney Commission as Milestone 2 of the Accelerated LEP Grant Funding process.

8. **CiS05: NSLEP 2013 Amendment No. 23 (North Sydney Centre) – Post Gazettal Report**

Report of Ben Boyd, Executive Strategic Planner

On 1 May 2017, Council resolved to adopt Planning Proposal 2/17 which sought to amend the planning controls relating to the North Sydney Centre under North Sydney Local Environmental Plan 2013 (NSLEP 2013) and forward the Planning Proposal to the Department of Planning and Environment (DPE) in order to receive a Gateway Determination. In particular, the proposed amendments include:

- Removing ‘serviced apartments’ from the list of permissible uses in the B3 Commercial Core zone to the Land Use Table.
- Amending the Height of Buildings Map to increase the maximum building height limit on a number of sites zoned B3 Commercial Core, consistent with the outcomes of the North Sydney CBD Capacity and Land Use Strategy.
- Amending the extent to which “special areas” applies to land identified on the North Sydney Centre Map consistent with the outcomes of the North Sydney CBD Capacity and Land Use Strategy.
- Amending clause 6.1 such that the objectives of Division 1 to Part 6 better relate to the provisions contained within that Division.
- Amending clause 6.3 to:
 - Ensure the objectives and provisions of the clause align with the outcomes of the North Sydney CBD Capacity and Land Use Strategy; and
 - Restrict the development of sites less than 1000sqm in area to 45m in height.
- Deletion of clause 6.5 in its entirety to remove the requirements for railway infrastructure provision and the gross floor space cap for non-residential development.

The Minister for Planning issued a Gateway Determination on 20 July 2017, permitting the Planning Proposal to be placed on public exhibition. Following the public exhibition, Council considered a post exhibition report on 19 February 2018 in relation to the Planning Proposal, wherein it resolved to forward an amended version of the Planning Proposal to the DPE with a request that an LEP be made giving effect to the Planning Proposal.

NSLEP 2013 (Amendment No. 23) gives effect to the Planning Proposal and is now in force following its publication on the NSW legislation website on 26 October 2018.

This report is for the information of Councillors.

Nil.

Recommending:

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

Community & Library Services Division

9. **CLS01: North Sydney Council's Australia Day Community Awards 2019**

Report of Jess Gledhill, Arts & Cultural Programs Officer

North Sydney Council's Australia Day Community Awards will be held in conjunction with the Citizenship Ceremony on Saturday 26 January 2019. The awards will be presented by the Mayor, Jilly Gibson and the Australia Day Ambassador (to be announced). The community awards form part of the Australia Day Council awards program administered by local government.

The related financial implications are negligible. The associated costs will be covered by the financial year 2018/19 budget.

Recommending:

1. THAT Council supports the selection of four Australia Day Community Award Winners - Citizen of the Year, Environmental Citizen of the Year, Young Citizen of the Year and Community Group/Event of the Year.

2. THAT Council write acknowledging at a suitable time the unsuccessful nominees who have also made substantial contributions to our community.

10. **CLS02: Review for 2017/18 of the May Gibbs' Nutcote Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

The May Gibb's Nutcote Annual Report 2017/18 is presented here in fulfillment of the Joint Plan of Management 2017-19. The Museum has one full time staff member, guided by a Volunteer Board and supported by a small number of part-time staff and many volunteers from all over Sydney.

Attendance for the year at the Museum was 5,928. Among the Board achievements for the year was the foundation of a Governance Committee: Linda Evans, Jo-Anne Avellano and Stephanie Lake. With new Directors Fiona Reilly, Ainslee Tuckerman, Courtney Fox (Chair) and Claire Morecombe, the Museum concentrated during 2017/18 on fundraising and raising its digital presence.

The Museum records a consistent annual deficit. This is not an operational deficit and is in line with depreciation. For 2017/18 the deficit was \$6,265.

The Museum's performance and financial results will be taken into account in the 2019/20 Grants and subsidies program recommendations.

Recommending:

1. THAT the report be received.

11. **CLS03: Review for 2017/18 of the North Sydney Community Centre Joint Plan of Management**

Report of Martin Ellis, Director, Community and Library Services

The Centre ended the year with a surplus of \$39,836, down on the year before, reflective of Council's reduced subsidy for 2017/18, \$78,079. The Centre also received a NSW Government grant of \$97,483.

- It is noticeable that while market income fell, market expenses also fell, indicating the revitalised second market is finding its feet. Fresh Produce Markets are held every fortnight and continue to be a cultural highlight in the North Sydney calendar.
- After school care flourished despite the enormous task this year of assisting parents with the introduction of new payment arrangements with the State Government
- The most significant supported playgroup on the Lower North Shore, the Centre's Explorer's Playgroup, performed strongly, during the 45th year of its operations
- The year was marked by two important partnerships: with Mary's House a local women's refuge and the Welcome House (refugee support)
- 5,361 students attended 474 classes held through the year, including in creative music and dance, food and beverage, lifestyle and technology, health and wellbeing and language and travel.

The Centre's performance and financial results will be taken into account in the 2019/20 Grants and subsidies program recommendations.

Recommending:

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

Corporate Services Division

12. **CoS01: Quarterly Budget Review - September 2018**

Report of Darren Goode, Accounting Services Manager

The purpose of this report is to inform Council of the results of the review of the budget for the quarter ended 30 September 2018 and to seek approval to make the necessary adjustments to the 2018/19 budget to reflect the current projected estimates of income and expenditure for the year.

The net effect of the adjustments to the 2018/19 revised budget outlined in this report was the budget remaining in a balanced position at the end of the September quarter with net transfers from reserves of \$17.8 million.

Recommending:

1. **THAT** the Quarterly Budget Review Statement – September 2018 report be received.
2. **THAT** the recommended adjustments to the 2018/19 budget be adopted.

13. **CoS02: Financial Statements for the Year Ended 30 June 2018**

Report of Garry Ross, Manager Financial Services

The Annual statements were prepared, audited and submitted to the Division of Local Government on 31 October 2018. The reports have been on public exhibition and Council has not received any submission as to the contents of the reports.

Council has received an unqualified audit report.

Council achieved a net operating surplus from continuing operations of \$15.8 million in the financial year 2017/18. The net operating result for the year before capital grants and contributions was \$7.1 million. After making the various adjustments necessary to reconcile this result to the budget result, a revised budget surplus of \$3.1 million was achieved after allowing for a net drawdown of \$16.2 million from cash reserves (see page 3 of this report).

The audited 2018 Financial Statements were presented to the Audit & Risk Committee on 14 September 2018. The Audit Office Engagement Closing Report was presented to the Committee on 9 November 2018. The completed Financial Statements were forwarded to the Office of Local Government (OLG) by the due date of 31 October 2018.

Recommending:

1. **THAT** under Section 413(1) of the Local Government Act, 1993, the Financial Statements for the year ended 30 June 2018 be received.

14. **CoS03: Investments and Loan Borrowings Held as at 31 October 2018**

Report of Garry Ross, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 October 2018.

Investment Portfolio:

The portfolio provided an annualised return of 3.22% for the year to date as at 31 October 2018, 1.22% above the reportable benchmark (BBSW Bank Bill Index). Interest returns remain consistently above the benchmark. This was attributed to additional funds being made available for investment and prudent selection and allocation of these funds to the financial institutions which make up the investment portfolio.

Borrowings:

Council has entered into a principal and fixed loan of \$9.5 million. The adopted Delivery Program proposes further borrowing of \$20.5 million in the 2020/21 financial year.

The 2018/19 budgeted returns on investments is estimated to be \$1,590,000. 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 October 2018 be received.

15. CoS04: Code of Conduct Statistics Report

Report of Sandra Moore, Acting Director Corporate Services

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government by 31 December 2018, for the period 1 September 2017 to 31 August 2018.

The number of Code of Conduct complaints received is down from 4 in the previous reporting period to Nil this period.

Costs incurred through the administration of the Code of Conduct is down from \$14,102 in the previous reporting period to Nil this period.

Recommending:

1. THAT the Code of Conduct Statistics Report be received.

16. CoS05: Governance Committee - 5 November 2018

Report of Ian Curry, Manager Governance and Committee Services

This report presents the recommendations of the last meeting of the Governance Committee held on 5 November 2018 for Council adoption. The Minutes are attached for information.

See separate reports to Governance Committee.

Recommending:

1. THAT the amended Complaints Handling Policy be placed on public exhibition for 28 days.

2. THAT should Council receive submissions in respect of the amended Complaints Handling Policy, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the

Complaints Handling Policy as adopted at the end of the closing period for submissions.

3. THAT Council note the submissions received in respect of the Catering Provision Policy.

4. THAT the Catering Provision Policy be adopted as exhibited.

5. THAT Council adopt the Audit, Risk and Improvement Committee Charter.

6. THAT Council resolve to increase the independent members' fees to \$1,000 per meeting for the chairperson and \$750 per meeting for the other independent member, inclusive of preparation time.

7. THAT Council appoint Mr Brian Hrnjak as the new independent member of the Audit, Risk and Improvement Committee, commencing 1 January 2019.

8. THAT Council resolve to thank the outgoing independent member Mr John Gordon for his considerable contribution to continuous improvement and risk management since the inception of the Audit and Risk Committee.

17. CoS06: Audit & Risk Committee Minutes – 14 September 2018 and 9 November 2018

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last two meetings of the Audit and Risk Committee held on 14 September 2018 and 9 November 2018 for Council adoption. The Minutes are attached for information.

It should be noted that there was no quorum present on 14 September 2018 so the Minutes are a record of the meeting only and not recommendations by the Committee.

Recommending:

1. THAT the Minutes of the Audit and Risk Committee meetings held on 14 September 2018 and 9 November 2018 be received.

18. CoS07: 2019 Schedule of Meetings

Report of Ian Curry, Manager Governance and Committee Services

In November each year, a report is submitted to Council to set the meeting dates for the following year.

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 2019 Schedule of Meetings.

19. CoS08: Free Public Wi-Fi for North Sydney CBD

Report of Toto Liong, Manager Information Technology and Jenny Gleeson, Manager Integrated Planning and Special Projects

Council at its meeting of 26 March 2018 (Min. No. 49) resolved:

1. *THAT a report be prepared on a proposal for Council to introduce a free high speed Wi-Fi network in North Sydney CBD. The report should address the feasibility and extent of such a network, cost, sponsorship/government assistance and security.*
2. *THAT Council seek the input of the North Sydney Innovation Network into this proposal.*
3. *THAT representations be made to our local Federal MP, Trent Zimmerman and State MP, Felicity Wilson for any government support and assistance that may be available for this proposal.*

This report responds to parts in the first two items; requests for support from local members will be pursued at a later stage should Council resolve to introduce Public Wi-Fi in the North Sydney CBD.

Council currently provides free Wi-Fi to customers in Stanton Library via Shorelink and provides the Wi-Fi network within Council Chambers for staff and guests. Council does not currently have the in-house expertise or capacity to deliver its own public Wi-Fi network on the scale required for the CBD.

It is therefore recommended that Council engage a suitably experienced consultant or technology advisory firm to identify the core requirements and specifications and options for external partnerships and that this information be provided to the Council via a further report.

There is no funding in the adopted *Delivery Program 2018/19-2020/21* for the establishment of public Wi-Fi in the North Sydney CBD. The estimated cost of the proposed consultant is \$20,000. Should Council wish to proceed with the engagement of a consultant, funding is available from the 2018/19 IT Reserve Budget.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council engages a consultant (or technology advisory firm) to develop the core requirements and specifications as detailed in the report.
2. **THAT** once fundamental core requirements and specifications have been determined, Council market test, by way of a formal public tender or Expression of Interest process, for Public Wi-Fi in the North Sydney CBD.

Engineering & Property Services Division

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

Report of Risha Joseph, Property Officer

A report is submitted regarding the leasing transactions for Council's owned and leased properties for the period ending 6 November 2018.

Council's actual Year-to-Date income received through the Property Portfolio is on target as per the annual forecast.

Recommending:

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

21. **EPS02: Draft Motorbike and Scooter Parking Strategy and Action Plan**

Report of Michaela Kemp, Manager Traffic & Transport Operations

This report seeks the approval of the public exhibition of the draft Motorbike and Scooter Parking Strategy and Action Plan attached.

Council at its meeting on 26 March 2018 resolved in regard to Notice of Motion No. 1/18 by Cr Drummond (Minute No. 84):

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

This report has been prepared in response to the resolution.

Parking signs and line marking for new motorbike parking spaces are funded from Council's annual traffic signs and lines budget.

Funding for the project is appropriate.

Recommending:

1. **THAT** the draft Motorbike and Scooter Parking Strategy and Action Plan 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 Motorbike and Scooter Parking Strategy and Action Plan as adopted at the end of the closing period for submissions.
-

Open Space & Environmental Services Division

22. **OSE01: Contract 35/2018 Duncan Thompson Stand - Variation Exceeding Contract Contingency**

Report of David Banbury, Landscape Architect/Project Coordinator

A required change in methodology to the fire services upgrade component of the above contract has resulted in a variation to the contract being necessary. The value of the variation means that the project budget contingency has been exceeded. In accordance with Council's contract management procedures, it is therefore necessary to advise Council of this matter.

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

Funding to cover the variation is to be transferred from the *St Leonards Park Master Plan Capital Works* (Stage 1 Master Plan implementation) budget to the *Duncan Thompson Stand - External Refurbishment* budget.

The above transfer between budgets is appropriate.

Recommending:

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

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

- 23. NoM01: Notice of Motion No. 25/18 by Cr Mutton - 24/10/18**
Re: Luna Park Exclusion from the Planning Approval Process

At its meeting on 29 October 2018, Council resolved:

1. THAT the Notice of Motion in relation to Luna Park Exclusion from the Planning Approval Process be deferred to the next Council meeting on 19 November 2018.

Councillor Mutton advised in writing on 13 November 2018 that he was withdrawing this Motion.

- 24. NoM02: Notice of Motion No. 29/18 by Cr Beregi - 12/11/18**
Re: Reduction of Council's Discretionary Expenditure

1. THAT, in light of Council's resolution to pursue a Special Rate Variation of 7% p.a. for 5 years, that Council take immediate steps to reduce and minimise items of discretionary expenditure by immediately:

- i) reducing the Mayoral and Councillor stipend to the minimum amount;
- ii) ceasing the provision of all catering (including alcohol) prior to, at or after all Council run and organised meetings including Committee meetings, briefings, ad-hoc presentations which are attended by Councillors and the like, except for tea, coffee and biscuits; and
- iii) stopping the physical distribution and hard copy production of newsletters and glossy brochures such as the North Sydney News and instead moving to an on-line newsletter which can also be distributed by email.

- 25. NoM03: Notice of Motion No. 30/18 by Cr Mutton - 14/11/18**
Re: Wendy's Secret Garden

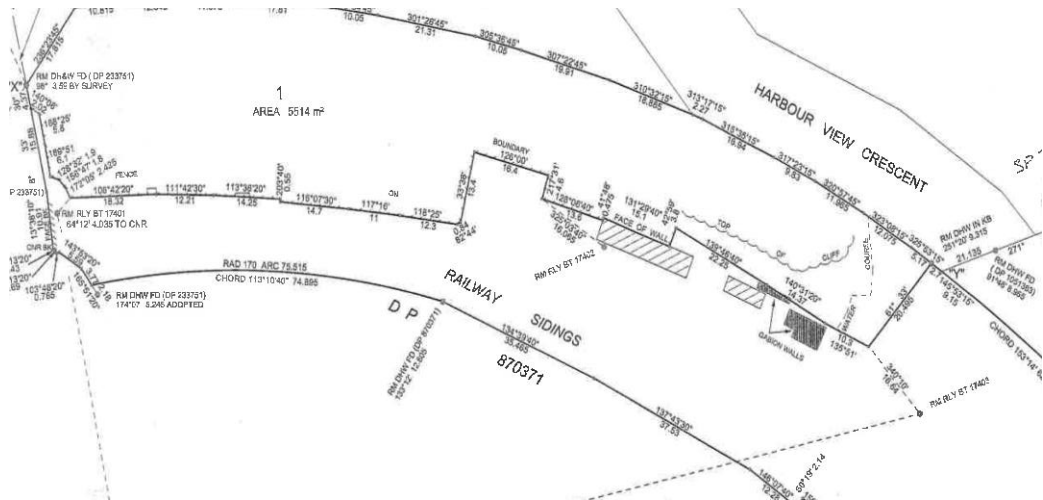
1. THAT Council resolve to call for a report on the options that are available to bridge or enclose the water course and estimate the costs of delivering each of the options.

Background

Wendy's Secret Garden occupies land leased to Council by Rail Corporation New South Wales:

The eastern end of Wendy's Secret Garden is dissected by a water course created by a storm water drain that discharges from a point near Harbourview Crescent. The water course has become a barrier preventing ready access to

about 500 square meters. It is intended that the garden be extended to cover the entire lease area.



26. **NoM04: Notice of Motion No. 31/18 by Cr Mutton - 14/11/18**
Re: Code of Meeting Principles and Practices

1. **THAT** Council propose to amend Clause 38.2 of its Code of Meeting Principles and Practices as follows (with deleted words “struck through” and words to be inserted in red):

38.2 Members of the Public Addressing Council

- a) Any applicant, objector, resident or member of the public may address any meeting of Council or Committee on any item on the agenda by ~~attending the meeting and notifying the Council Officer in attendance prior to the commencement of the meeting of the item on which they wish to speak.~~ **registering to do so on the approved form by 4pm on the day of the meeting. An individual may speak to no more than two (2) items on the Agenda.**
- b) Following consideration of any Mayoral Minutes, a resolution will be passed to bring forward those items requested by the public and deal with them in the order they appear on the business paper.
- c) Members of the public addressing Council and Council (Assessments) meetings will be called to speak in the order in which they made application i.e. registered to speak.
- d) Members of the public addressing Council and Council (Assessments) meetings shall sit at the designated chair with microphone at the foot of the table.
- e) Members of the public addressing Council shall commence by stating their name and address or professional capacity.
- f) Each person who has indicated they wish to speak shall be given three minutes to address the Council and, having spoken shall not have the right to speak again other than to answer questions put to them by Councillors. Extensions of time may be granted to a maximum of a further two (2) minutes

at Council's discretion.

- g) *Councillors may ask questions of the speakers.*
- h) *If ~~two (2) or~~ more than two (2) persons indicate they wish to address Council on the same issue from the same perspective (i.e. in favour or against), the Chair may ask them to nominate a spokesperson and not all address the meeting. If the persons do not voluntarily agree on the spokesperson, the first two persons who registered to speak for the motion and the first two persons who registered to speak against the motion will be allowed to speak; providing that priority will be given to persons that have not already spoken at the same meeting. Council may resolve to increase the number of speakers on an agenda item when that agenda item is called.*
- i) *Persons who have addressed the meeting previously on the same issue shall only address any subsequent meeting for the purpose of introducing new material and not to reiterate their previous address.*
- j) *Speakers shall observe proper meeting procedure and be subject to the same rules of decorum and order as the Councillors. Speakers shall on all occasions when in the Council Chambers address other Councillors by their official designation, i.e. Mayor, Chair, Councillor as the case may be.*

2. THAT the proposed amended Code of Meeting Principles and Practices be placed on public exhibition for a period of not less than 28 days

Background

An important point of distinction between the forums in Canberra, Macquarie Street and North Sydney lies in the fact that we, in North Sydney, allow members of our community to address our Council meetings.

That said, there's a balance that needs to be struck that prevents address from members of our community crowding out the time available for Councillors to debate.

Why? Because the debate is one of the most effective ways by which members of our community can learn of and assess the views of individual Councillors. This they can do by either:

- attending meetings; or
- watching the broadcasts/recordings of meetings – all the more important because the debates are not transcribed.

At recent Council meetings crowding out has occurred; that points to a need to develop principles to ensure that maximum value is extracted from the addresses that are given. Recently we've had:

1. one speaker putting her name forward to speak on more than 12 items; and
2. an arbitrary and unexpected "ruling of the line" to prevent intending speakers putting their names down to speak.

There simply must be a better way to manage both the process and expectations.

To this end, I propose that section 38.2 of the Code of Meeting Procedure be changed so as to adopt the following principles:

- A speaker be limited to speaking on no more than two agenda items during the meeting (unless the Council otherwise decides at the start of the meeting).
- Where there are more than four speakers on an agenda item (unless the Council otherwise decides at the start of the meeting), the speakers be called upon to nominate four speakers (2 for and 2 against the motion) and if they elect not to do so, only the four speakers first to put their names down to speak be called upon to speak.

27. NoM05: Notice of Motion No. 32/18 by Cr Barbour, Cr Mutton & Cr Keen - 14/11/18

Re: Current Encroachment Policy

1. THAT Council requests a report and briefing to consider a review of North Sydney Council's current policy relating to encroachments

Background

It has been brought to Councillors' attention that the current Policy may be imposing heavy costs on ratepayers that until recent times did not suffer such an impost, so an appraisal to make sure the Policy is fair and just is warranted.

28. NoM06: Notice of Motion No. 33/18 by Cr Beregi, Cr Baker & Cr Carr - 14/11/18

Re: Return to Fortnightly Council Meetings

1. THAT Council return to holding fortnightly Council meetings, except during school holidays and over the Christmas/New Year period.

Background

Prior to the introduction of the NSIPP (which has now been replaced by the North Sydney Planning Panel) Council meetings were held fortnightly.

Recently, the Council agendas have been very large with many matters of high importance to the community all occurring at the same meeting. This has resulted in many agenda items having many members of the public wanting to address their elected representatives and speak on matters of importance to them. Unfortunately, the large agendas have resulted in members of the public having to wait until after 10pm to address Council.

This is unreasonable for the members of the public and the council staff. It is also not in the best interests of good and focused decision making given the

majority of Councillors have work and/or other commitments during the day prior to attending Council meetings in the evening.

Fortnightly Council meetings would also allow for the business of Council to be dealt with in a more timely manner and reduce the need for Extraordinary General Meetings to be called.

29. NoM07: Notice of Motion No. 34/18 by Cr Beregi, Cr Baker & Cr Carr - 14/11/18

Re: Employment of an Apprentice Gardener - Wendy Whiteley's Garden

1. THAT, following the resolution of Council to fund an apprentice gardener, at a cost to Council estimated to be in excess of \$40,000p.a. in the first year and increasing every subsequent year, to support the full time gardener paid for by Wendy Whiteley to attend to and help maintain Wendy's Garden, the apprentice gardener is appointed and managed by the Director Open Space and the associated wages form part of the Open Space division so that at less busy times, the apprentice gardener can work on other gardens and open space projects in the North Sydney LGA.

Background

At the 29 October 2018 Council meeting, Council resolved to employ an apprentice gardener at an unbudgeted cost of approximately \$40,000 for the first year and increasing each year subsequently. Council needs to ensure that in providing funding for this role, that the apprentice appointed has the appropriate skills, work place protections and insurance cover, as well as an employment contract which looks after the interests of Council, the employee and Ms Whiteley.

30. NoM08: Notice of Motion No. 35/18 by Cr Beregi, Cr Baker & Cr Carr - 14/11/18

Re: Hayes Street and Lower Wycombe Road - Review of Current Zoning and Possible Heritage Listing of Items

1. THAT Council prepare a report reviewing the zoning of Hayes Street which is currently stated as being R4 and include in the report the identification any properties on Hayes Street, Lower Wycombe Road and the surrounding area that should be considered for heritage listing, either as a stand-alone item or a contributory item.

31. NoM09: Notice of Motion No. 36/18 by Cr Beregi, Cr Baker & Cr Carr - 14/11/18

Re: Cost Shifting from State Government to Local Government

1. THAT in light of LGNSW's report on cost-shifting from the State Government to Local Government, that a report be prepared on where expenditure incurred by this Council is a direct result or an indirect result of cost-shifting by the State Government to our Council, and that this report form the basis of a submission to the State Government.

Background

According to the recent LGNSW report, cost shifting is one of the most significant problems faced by Councils in NSW. Cost shifting undermines the financial sustainability of the local government sector by forcing councils to assume responsibility for more infrastructure and services, without sufficient corresponding revenue.

Cost shifting by the Australian and NSW governments on to NSW Councils in 2015-2016 is estimated to be 7.5% of a Council's total income (before capital amounts). The research shows that not only does cost shifting continue to grow, but concerningly, it does so at an accelerated rate. The per annum cost shift has more than doubled in a single decade and LGNSW data shows that this trend is largely driven by state government policies - the federal government is responsible for just 2% of the cost shifting burden borne by NSW councils each year.

It is unsustainable and disingenuous for the Federal and State governments to force Councils to provide infrastructure and services that are their responsibility without providing commensurate funding.

32. NoM10: Notice of Motion No. 37/18 by Cr Beregi, Cr Baker & Cr Carr - 14/11/18

Re: Open and Transparent Government

1. THAT, in the interests of transparency, disclosure and open government, each Councillor, including the Mayor, be required to disclose the following information in their biography on the North Sydney Council website, as applicable:

- current membership of a political party
 - membership of a political party over the past 4 years
 - relationship(s) with prohibited donors
 - board memberships including boards of clubs, sporting associations, community groups and the like in the North Sydney LGA
 - memberships of school P&Cs, school councils, community groups and the like in the North Sydney LGA
-

- personal relationships with other councillors
 - personal relationships with council staff
 - any other information pertaining to the North Sydney LGA that the electorate should be aware of.
-

QUESTIONS WITH NOTICE

33. **Q01: Councillors' Mail – Cr Beregi – 14/11/18**

Could the General Manager please explain why mail sent by post to Councillors via the Council, which clearly shows the addressee as being a specific Councillor, is opened and then resealed prior to it being distributed to the Councillor?

QUESTIONS WITHOUT NOTICE

34. **Question Taken on Notice - Council, 29 October 2018 – Email Correspondence re NoM01**

At the Council meeting on 29 October 2018, Cr Beregi asked a question about whether email correspondence sent to Council about MM01/NoM03 had been forwarded to Councillors. The question was taken on notice.

Council received the following emails regarding this matter from Friday 26 October 2018 to the start of the Council meeting on 29 October 2018:

- Total number of emails received - **21**
- Number addressed to Councillors (but not requested to be circulated) - 3
- Number addressed and distributed - 3
- Number addressed to Council - 12
- Number addressed to Mayor only - 2
- Number addressed to Mayor and Cr Beregi only - 1

It should be noted that none of the emails received specifically asked that their submission should be circulated to all Councillors.

The email addresses used in the “To” or “cc” column of an email are often unclear as the sender may be using a generic group name for multiple recipients. All Councillors' email addresses are listed on the Council website and any member of the public seeking to send or copy Councillors into an email may do so directly.

A large volume of emails is received at Council's main council@northsydney.nsw.gov.au email address and these may take up to 24 hours to process.

As stated above, individuals seeking to provide an email directly to one or more Councillors should do so by including their direct email address, which is

contained on the website, in the “To” or “cc” box of their emails. Emails received at Council’s main email address are considered to be addressed to the organisation and will be processed by Document Management staff accordingly.

A direct link to the Councillors’ Information Page, which includes their contact details, has been added to the “Contact Us” page of Council’s website.
