



MINUTES

The Minutes of the **3738th MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on Monday 30 November 2020.



1. Opening Meeting	4
2. Acknowledgement of Country	4
3. Apologies and Applications for Leave of Absence by Councillors	4
4. Confirmation of Minutes	4
5. Disclosures of Interest	5
6. Mayoral Minutes	5
6.1. <i>MM01: Embracing Our Jacarandas</i>	5
7. Reports of Committees	7
7.1. <i>Governance and Finance Committee - Minutes 9 November 2020</i>	7
7.2. <i>Audit, Risk and Improvement Committee - Minutes 13 November 2020</i>	8
7.3. <i>Sport & Recreation Reference Group - Minutes 10 November 2020</i>	9
7.4. <i>Sustainable Transport Reference Group - Minutes 16 November 2020</i>	10
8. Reports to Council	10
8.1. <i>Matters Outstanding - November 2020</i>	10
8.2. <i>Audited Financial Statements for the Year Ended 30 June 2020</i>	11
8.3. <i>Annual Report 2019/20</i>	11
8.4. <i>Response to Mayoral Minute - Gerard Street and Macpherson Street - Road Safety Near Middle Harbour School</i>	12
8.5. <i>Notification for Planning Proposals</i>	14
8.6. <i>Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report</i>	15
8.7. <i>Public Exhibition of Draft North Sydney Local Infrastructure Contributions Plan</i> ..	17
8.8. <i>Planning Proposal - 173-179 Walker Street and 11-17 Hampden Street North Sydney</i>	19
8.9. <i>NSW Public Space Legacy Program</i>	20
8.10. <i>Active Transport Grant Offer from TfNSW</i>	21
8.11. <i>Primrose Park Art & Craft Centre - Joint Strategic Plan Review 2019/20</i>	23
8.12. <i>North Sydney Community Centre - Joint Strategic Plan Review 2019/20</i>	23
8.13. <i>Shorelink Libraries Annual Report and Financial Statements 2019-20</i>	24
8.14. <i>Draft Plan of Management for Neighbourhood Parks</i>	24
8.15. <i>Draft Bushland Plan of Management</i>	25
8.16. <i>Draft Plan of Management for Cremorne Reserve</i>	26
8.17. <i>Kurraba Point Reserve - Vegetation Management Plan</i>	27

8.18. 85 Broughton Street Kirribilli - Jacaranda Tree Removal Application.....	28
8.19. Restoration Works on Public Land Policy and Amended Guidelines - Post Exhibition	28
8.20. Residential Food Scraps Collection and Processing Trial	29
8.21. Code of Conduct Statistics Report.....	30
8.22. New Applications for Reference Group Membership.....	30
8.23. Amendment to 2020 Council Meeting Schedule	31
8.24. Coal Loader Shade and Other Facilities.....	32
8.25. Managing Rent Relief Requests from Council Tenants Due to COVID-19.....	33
9. Notices of Motion	34
9.1. Notice of Rescission 4/20 by Councillors Beregi, Baker and Carr - Civic Precinct Planning Study (Item 8.10 Civic Precinct Planning Study - Post Exhibition)	34
9.2. Notice of Motion No. 15/20 - Crs Beregi, Baker and Carr - Vale Bruce Burns	36
9.3. Notice of Motion No. 16/20 - Crs Beregi, Baker and Carr - Fix Willoughby Road - Willoughby Road Public Domain upgrade Works	37
9.4. Notice of Motion No. 17/20 - Crs Beregi, Baker and Carr - Final 2036 Plan – maximum heights on Pacific Highway	38
9.5. Notice of Motion No. 18/20 - Crs Beregi, Baker and Carr - Expanded Hume Street Park – Stage 2.....	39
9.6. Notice of Motion No. 19/20 - Crs Beregi, Baker and Carr - Allocation of Federal Funding.....	40
9.7. Notice of Motion No. 20/20 - Crs Beregi, Baker and Carr - Legal Advice.....	40
9.8. Questions With Notice - Crs Beregi, Baker and Carr	41
10. Confidential Matters.....	41
10.1. Seawall Restoration Works - Tender No. 12/2021	41
10.2. End of Trip Facilities at North Sydney Council Chambers - Tender No. 13/2021	42
10.3. Council Owned/Leased Properties - 1st Quarterly Property Portfolio Report 2020/2021 - July to September 2020	43
10.4. North Sydney Community Awards 2021	44
10.5. Noakes Boatyard - 6 John Street, McMahons Point	44
10.6. Primrose Park Tennis Court Options.....	45
10.7. Warringah Freeway Upgrade TfNSW Compulsory Acquisitions - Council's Parks and Reserves	46
11. Closure	50

1. Opening Meeting

The Mayor, Councillor Gibson, in the Chair, and Councillors Baker, Barbour, Beregi, Brodie, Drummond, Gunning, Keen and Mutton were in attendance.

At the commencement of business (7.37pm) those present were:

The Mayor, and Councillors Barbour, Brodie, Drummond, Keen and Mutton.

Those participating remotely were:

Councillors Baker, Beregi and Gunning.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by The Mayor.

3. Apologies and Applications for Leave of Absence by Councillors

Councillor Carr has indicated his inability to attend the Council meeting on 30 November 2020.

It is therefore recommended that Council grant leave of absence to Councillor Carr for the meeting of 30 November 2020.

The Motion was moved by Councillor Gibson and seconded by Councillor Barbour.

177. RESOLVED:

THAT leave of absence be granted to Councillor Carr.

4. Confirmation of Minutes

The Minutes of the previous 3737th Council Meeting held on Monday, 26 October 2020, copies of which had been previously circulated, were taken as read and confirmed.

A Motion was moved by Councillor Barbour and seconded by Councillor Brodie,

THAT the Minutes of the previous 3737th Council Meeting held on Monday, 26 October 2020, copies of which had been previously circulated, were taken as read and confirmed.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

178. RESOLVED:

THAT the Minutes of the previous 3737th Council Meeting held on Monday, 26 October 2020, copies of which had been previously circulated, were taken as read and confirmed.

5. Disclosures of Interest

Nil.

6. Mayoral Minutes

6.1. MM01: Embracing Our Jacarandas

For several years now Council has provided additional infrastructure in Kirribilli to support the crowds visiting during the Jacaranda season. We have also considered a range of possible traffic management measures and a Jacaranda festival but the costs involved have been prohibitive.

I have visited McDougall Street in Kirribilli on several occasions over the past month and been delighted to meet people who have travelled across Sydney to enjoy the Jacarandas in full bloom. After a difficult year of bushfires and the COVID-19 pandemic, people welcomed the beauty of the flowers and the joy and hope they represent.

I believe it is time Council whole-heartedly embraced the Jacaranda bloom and looked at ways we could extend it across the whole Kirribilli area. While I am sure McDougall Street will remain the centrepiece of the suburb and the best Jacaranda street in Sydney, the extension of the Jacaranda footprint would bring many benefits to the area.

I don't want to pre-empt the outcome of the Kirribilli Village upgrade consultation but I am brimming with ideas to leverage the attraction of the Jacarandas including painting a Jacaranda mural somewhere (perhaps on the wall along Ennis Road), closing the road for limited periods during the month so that people can take photos from the centre of the road without worrying about traffic, planting more Jacarandas throughout the suburb and encouraging our local businesses to sell Jacaranda-themed drinks, food, gifts and souvenirs. We could even explore the concept of a Jacaranda walk, supported by an App. I'm sure we can achieve some of these ideas at a lower cost than previous proposals.

I therefore recommend:

1. THAT a report be presented to Council early in 2021 with options for increasing the Jacaranda footprint in the Kirribilli area, low cost ways to improve crowd management and recommendations for encouraging local businesses to support the Jacaranda season.

By consent, the Motion was amended to read,

1. THAT a report be presented to Council early in 2021 with options for increasing the Jacaranda footprint in the North Sydney local government area, low cost ways to improve crowd management and recommendations for encouraging local businesses to support the Jacaranda season.

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

179. RESOLVED:

1. THAT a report be presented to Council early in 2021 with options for increasing the Jacaranda footprint in the North Sydney local government area, low cost ways to improve crowd management and recommendations for encouraging local businesses to support the Jacaranda season.

Councillor Gunning left the meeting at 7.50pm prior to voting on Items to be Considered By Exception.

Items to be Considered By Exception

It was moved by Councillor Baker and seconded by Councillor Barbour that with the exception of the following items: 7.1, 7.2, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.10, 8.17, 8.20, 8.23, 8.24, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 10.4, 10.5, 10.6 and 10.7; the recommendations for the remaining Items be adopted.

The General Manager confirmed with Councillors that, in moving Items 10.1 to 10.3 by exception, Council was adopting the recommendations in the Confidential reports.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr and Councillor Gunning

180. RESOLVED:

THAT with the exception of the following items: 7.1, 7.2, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.10, 8.17, 8.20, 8.23, 8.24, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 10.4, 10.5, 10.6 and 10.7; the recommendations for the remaining Items be adopted.

7. Reports of Committees

7.1. Governance and Finance Committee - Minutes 9 November 2020

AUTHOR: Ian Curry, Manager Governance & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on Monday 9 November 2020 for Council adoption. The minutes are attached for information.

Nil.

Recommending:

- 1. THAT** the report on Investments and Loan Borrowings held as at 31 October 2020 be received. (This report was provided to the Governance & Finance Committee on 9 November 2020 for information). *(GF01)*
- 2. THAT** the Quarterly Budget Review Statement - September 2020 report be received. *(GF02)*
- 3. THAT** the revised 2020/21 Budget be adopted. *(GF02)*
- 4. THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 June 2020. *(GF02)*
- 5. THAT** the Quarterly Review of the Operational Plan - 1 July to 30 September 2020 be received. *(GF03)*
- 6. THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 September 2020 *(GF03)*
- 7. THAT** the revised Code of Meeting Practice be adopted. *(GF04)*
- 8. THAT** the Code of Conduct - Precinct Office Bearers and Members submissions received be noted. *(GF05)*
- 9. THAT** the final Code of Conduct - Precinct Office Bearers and Members be adopted, per Attachment 1. *(GF05)*

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Beregi, Councillor Baker

Absent: Councillor Carr and Councillor Gunning

181. RESOLVED:

1. **THAT** the report on Investments and Loan Borrowings held as at 31 October 2020 be received. (This report was provided to the Governance & Finance Committee on 9 November 2020 for information). (GF01)
2. **THAT** the Quarterly Budget Review Statement - September 2020 report be received.(GF02)
3. **THAT** the revised 2020/21 Budget be adopted.(GF02)
4. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 June 2020. (GF02)
5. **THAT** the Quarterly Review of the Operational Plan - 1 July to 30 September 2020 be received. (GF03)
6. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 September 2020 (GF03)
7. **THAT** the revised Code of Meeting Practice be adopted.(GF04)
8. **THAT** the Code of Conduct - Precinct Office Bearers and Members submissions received be noted. (GF05)
9. **THAT** the final Code of Conduct - Precinct Office Bearers and Members be adopted, per Attachment 1. (GF05)

7.2. Audit, Risk and Improvement Committee - Minutes 13 November 2020

AUTHOR: Ian Curry, Manager Governance & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Audit, Risk and Improvement Committee held on 13 November 2020 for Council adoption. The minutes are attached for information.

Nil.

Recommending:

1. **THAT** the status of past internal audit recommendations be received and noted. (AR01)
2. **THAT** this report be received and the status of the 2020 internal audit plan including carrying forward of the Privacy and Information review be noted. (AR02)
3. **THAT** the Audits identified at the meeting of shared Audit service General Managers on 16 November 2020, be circulated to the Committee members for information. (AR02)
4. **THAT** the Annual Insurance Update be received. (AR03)
5. **THAT** the revised annual Audit, Risk & Improvement Committee Agenda, as amended, be received and approved by the Committee. (AR04)
6. **THAT** the Legislative Compliance Policy report be received. (AR05)
7. **THAT** the NSW Audit Office be advised that Council has adopted and implemented the recommendation in the 2019 Final Management Letter to develop a Legislative Compliance Policy (AR05)

8. THAT the 2021 Audit, Risk & Improvement Committee Meeting schedule, as detailed in this report, be adopted. (AR06)

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Beregi, Councillor Baker

Absent: Councillor Carr and Councillor Gunning

182. RESOLVED:

1. **THAT** the status of past internal audit recommendations be received and noted. (AR01)
2. **THAT** this report be received and the status of the 2020 internal audit plan including carrying forward of the Privacy and Information review be noted. (AR02)
3. **THAT** the Audits identified at the meeting of shared Audit service General Managers on 16 November 2020, be circulated to the Committee members for information. (AR02)
4. **THAT** the Annual Insurance Update be received. (AR03)
5. **THAT** the revised annual Audit, Risk & Improvement Committee Agenda, as amended, be received and approved by the Committee. (AR04)
6. **THAT** the Legislative Compliance Policy report be received. (AR05)
7. **THAT** the NSW Audit Office be advised that Council has adopted and implemented the recommendation in the 2019 Final Management Letter to develop a Legislative Compliance Policy (AR05)
8. **THAT** the 2021 Audit, Risk & Improvement Committee Meeting schedule, as detailed in this report, be adopted. (AR06)

7.3. Sport & Recreation Reference Group - Minutes 10 November 2020

This Item was adopted By Exception (see page 6).

AUTHOR: Melissa Dunlop, Governance Co-ordinator

To report the proceedings of the Sport and Recreation Reference Group to Council.

This report presents the recommendations of the last meeting of the Sport and Recreation Reference Group held on 10 November 2020. The minutes are attached for information.

Nil.

Recommending:

1. **THAT** the Minutes of the Sport and Recreation Reference Group meeting of 10 November 2020 be noted.

183. RESOLVED:

1. **THAT** the Minutes of the Sport and Recreation Reference Group meeting of 10 November 2020 be noted.

7.4. Sustainable Transport Reference Group - Minutes 16 November 2020

This Item was adopted By Exception (see page 6).

AUTHOR: Peita Rose, Governance Officer

To report the proceedings of the Sustainable Transport Reference Group to Council.

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 16 November 2020. The minutes are attached for information.

Nil.

Recommending:

1. THAT the Minutes of the Sustainable Transport Reference Group meeting of 16 November 2020 be noted.

184. RESOLVED:

1. THAT the Minutes of the Sustainable Transport Reference Group meeting of 16 November 2020 be noted.

8. Reports to Council

8.1. Matters Outstanding - November 2020

AUTHOR: Ian Curry, Manager Governance & Committee Services

To report to Council on the status of Councillor resolutions.

Each month, a report is presented to Council on the status of those resolutions arising from Mayoral Minutes, Notices of Motion and Questions Without Notice.

The attached table has been updated to include resolutions from the 26 October 2020 Ordinary Meeting of Council.

Nil.

Recommending:

1. THAT the report be received.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Beregi, Councillor Baker

Absent: Councillor Carr and Councillor Gunning

185. RESOLVED:

1. THAT the report be received.

8.2. Audited Financial Statements for the Year Ended 30 June 2020

AUTHOR: Garry Ross, Manager Financial Services

To present the audited Financial Statements for the year ended 30 June 2020, including the Independent Auditor's Report and submissions received from the public exhibition of these reports.

The Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) on 2 October 2020 and at the Council Meeting on 26 October 2020. The Council resolved to receive the financial statements and place them on public exhibition from 27 October 2020 to 11 November 2020 for comment.

The unqualified Financial Statements and the Auditor's Reports were forwarded to the Office of Local Government (OLG) on 27 October 2020.

During the exhibition period no submissions were received as to the contents of the financial statements.

No amendments have been made to the Financial Statements since they were tabled at the 26 October 2020 Council meeting with all details of such remains the same.

Recommending:

1. THAT under Section 413(1) of the Local Government Act, 1993, the financial statements for the year ended 30 June 2020 be received.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Beregi, Councillor Baker

Absent: Councillor Carr and Councillor Gunning

186. RESOLVED:

1. THAT under Section 413(1) of the Local Government Act, 1993, the financial statements for the year ended 30 June 2020 be received.

8.3. Annual Report 2019/20

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

The purpose of the Annual Report is to outline for key stakeholders the achievements in implementing Council's *Delivery Program 2018/19-2021/22* which contribute to the strategic outcomes in the *North Sydney Community Strategic Plan*. Council has a statutory obligation to prepare an Annual Report in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005 (Part 9, Division 7)*.

Council's Annual Report for the financial year ended 30 June 2020 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 Annual Report Checklist, issued 5 November 2019 (Circular 19-28).

The 'Our Performance' section details highlights and key achievements against the projects in the *Operational Plan 2019/20* (Year 2 of Delivery Program). The Annual Report also contains the Audited Financial Statements, this is the same version as Item 8.2 reported to this meeting. As required in the IPART Instrument, under section 508A of the Act, there is a report on expenditure funded by the additional income drawn from Year 1 of the Special Rate Variation. In accordance with the *Government Information (Public Access) Act 2009* copies of the Annual Report will be made publicly available for viewing at Council's Customer Service Centre, on the website and Stanton Library. Copies are provided to the North Sydney Heritage Centre and NSW State Library. As required, the Annual Report will be provided to the Minister for Local Government by 31 December 2020.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Beregi, Councillor Baker

Absent: Councillor Carr and Councillor Gunning

187. RESOLVED:

1. **THAT** the Annual Report for 2020/21 be received.

8.4. Response to Mayoral Minute - Gerard Street and Macpherson Street - Road Safety Near Middle Harbour School

AUTHOR: Michaela Kemp, Manager Traffic & Transport Operations

This report has been prepared in response to the Mayoral Minute MM04 "Road Safety Near Middle Harbour School" considered at the Council meeting on 28 September 2020. The Mayoral Minute considered concerns regarding pedestrian safety at the pedestrian crossing at the intersection of Gerard Street and Macpherson Street, particularly school children and elderly residents and Council's proposal to address the safety concerns by replacing the crossing with traffic signals which TfNSW did not support. The Mayoral Minute suggested:

"If traffic lights are not currently an option, and moving the crossing increases the risk of jaywalking, we need to look for other measures we can take to protect our residents. These could include traffic calming measures such as speed cushions, the installation of a roundabout, concrete barriers, line markings, increased signage and more."

A Mayoral Minute MM04 "Road Safety Near Middle Harbour School" was tabled at the Council meeting on 28 September 2020 concerning road safety near Middle Harbour School, and specifically community concerns about pedestrian safety at the intersection of Gerard Street and Macpherson Street, Cremorne.

There have been numerous reports to the Traffic Committee on this intersection in the past 20 years. Invariably, the preferred option for Council has been to signalise the intersection to improve safety for pedestrians crossing at the intersection. Over the past 18 months the matter has been a Standing Item on the North Sydney Traffic Committee and Council has obtained traffic signal plans for the intersection, however these were not supported by TfNSW due to the number of pedestrians currently using the crossing not complying with the TfNSW numerical warrants for traffic signals.

Subsequently at the Council meeting on 28 September 2020 it was resolved (Min. 127):

1. THAT Council staff prepare a report investigating the options and efficacy of various traffic calming measures to increase safety at the pedestrian crossing at Gerard and Macpherson Street in Cremorne.

2. THAT the Mayor and a member of Council staff meet with the Member for North Shore, Ms Felicity Wilson MP, for a site visit at this intersection.

This report outlines further investigations by Council officers in response to the resolution of Council.

Traffic signals at the intersection would cost in the order \$400,000-\$500,000. Council has a limited budget for implementation of LATM projects. If signals were approved by Transport for NSW, implementation would be dependent on the availability of funding, including potential TfNSW grants and a contribution from Mosman Council.

Recommending:

1. THAT Council write to the Minister for Transport and Roads requesting special consideration for installation of traffic signals at the intersection of Gerard Street and Macpherson Street on the basis of pedestrian safety and amenity, with reference to this report.

2. THAT the following signage changes be referred to the Traffic Committee for installation under delegation of the Manager Traffic & Transport Operations:

- a. an additional pedestrian crossing sign installed in front of the tree on the southern side of Gerard Street facing west.
- b. the Give Way sign on the left-hand side of Macpherson Street at Gerard Street be removed so as not to obstruct the pedestrian crossing sign.

3. THAT all line marking associated with the pedestrian crossing including, zebra markings and zig zag markings on approaches, be maintained and refreshed to ensure visibility to the crossing is adequate.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Keen.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr and Councillor Gunning

188. RESOLVED:

1. THAT Council write to the Minister for Transport and Roads requesting special consideration for installation of traffic signals at the intersection of Gerard Street and Macpherson Street on the basis of pedestrian safety and amenity, with reference to this report.

- 2. THAT** the following signage changes be referred to the Traffic Committee for installation under delegation of the Manager Traffic & Transport Operations:
- a. an additional pedestrian crossing sign installed in front of the tree on the southern side of Gerard Street facing west.
 - b. the Give Way sign on the left-hand side of Macpherson Street at Gerard Street be removed so as not to obstruct the pedestrian crossing sign.
- 3. THAT** all line marking associated with the pedestrian crossing including, zebra markings and zig zag markings on approaches, be maintained and refreshed to ensure visibility to the crossing is adequate.

8.5. Notification for Planning Proposals

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

To respond to a Notice of Motion regarding the prospect of Council notifying Planning Proposals as they are lodged with Council.

Proponent led Planning Proposals seek to amend the planning controls contained in the North Sydney Local Environmental Plan 2013 to change the development potential of particular sites. The process requires an initial review and assessment by the Independent Local Planning Panel and Council, before being considered by the Department of Industry and Planning. If local and strategic merit can be demonstrated, the planning proposal may be issued with a Gateway Determination, which requires various matters to be addressed, including consultation with the local community and other relevant stakeholders. This essentially represents the “gateway” to a formal process of consideration for such proposals.

At its meeting of August 2020, Council considered a Notice of Motion which aimed to introduce a process of notification for all proponent led planning proposals received by Council. The underlying issue that the Notice of Motion sought to address, was the lack of awareness, particularly by local residents and landowners, that a planning proposal may have been lodged in their vicinity. This report outlines that the planning proposal process at its inception, is not particularly designed to enable proactive consultation given the lack of status of such applications when they are lodged. In addition, a notification process would represent a significant draw on limited resources for processes that more often than not, end in refusals and come at the expense of more worthwhile strategic planning work.

This report recommends that to meet the objectives of transparency and local awareness whilst not drawing unnecessarily on limited Council resources, a different set of processes could be pursued. Whilst Council currently places planning proposals that are lodged directly on its website, this interface could be improved. This report recommends that improvements to this interface be explored, to make finding such proposals as easy and transparent as possible. Secondly, there is scope to place a notice on site, which is differentiated from site notices that advertise development applications. This is a very tangible and localised initiative that would raise local awareness that a planning proposal has been lodged.

Both these initiatives would be relatively simple and cost effective to implement.

The amendments to Council’s website interface would be relatively cost neutral, only necessitating deployment of existing human resources to consider and adjust several aspects of Council’s website. The site signage initiative would represent a modest cost (in the order of \$3-400 per annum) in addition to negligible amounts of staff time required to place such signs on site. These initiatives can be resourced within existing budgets.

Recommending:

1. THAT Council acknowledge the current practice of posting of proponent led Planning Proposals on its website and that it further instigate the following actions in order to provide wider awareness of their receipt:

- a) Installation of site signage similar but identifiably different to development application site signage as soon as practicable after lodgement of Planning Proposals. This is to include details of the proposal and if possible, with the investigation of a QR code to link back to Council's website containing further details.
- b) Investigate amendments to Council's website dealing with Planning Proposals to maximise transparency.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Keen.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr and Councillor Gunning

189. RESOLVED:

1. THAT Council acknowledge the current practice of posting of proponent led Planning Proposals on its website and that it further instigate the following actions in order to provide wider awareness of their receipt:

- a) Installation of site signage similar but identifiably different to development application site signage as soon as practicable after lodgement of Planning Proposals. This is to include details of the proposal and if possible, with the investigation of a QR code to link back to Council's website containing further details.
- b) Investigate amendments to Council's website dealing with Planning Proposals to maximise transparency.

Councillor Gunning returned to the meeting at 8.02pm during discussion of Item 8.6.

8.6. Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report

AUTHOR: Tomas van der Meer, Senior Strategic Planner - Urban Design

To report on the submissions received in response to the public exhibition of the Future Direction Report for the Military Road Corridor in Neutral Bay and recommend a way forward. In April 2020, Council adopted the draft Future Direction Report for the Military Road Corridor for the purposes of public exhibition. The draft Future Direction Report was placed on public in an extended exhibition period from Thursday 26 April until Friday 31 July 2020. Council received a total of 435 responses from the engagement process.

The most frequent issues raised were concerns relating to building height, public parking and other traffic issues. Notably, the traffic and parking concerns often related specifically to the Grosvenor Lane car park with many submissions wanting better access and more support of

local shops without being compromised by the Grosvenor Lane supermarket. A smaller number of submissions supported modest height increases in acknowledgement of the potential associated public benefits, however, believe that the proposed building height of 12 storeys is inappropriate for the area. A number of submissions expressed concerns that the changes will impact on the character of the area. There was a significant degree of support for the proposed public domain and community facility improvements, several of which also agreed with additional height.

The amended Future Direction Report continues to:

- Recognise and address the ongoing loss of employment floor space.
- Adjust built form controls to improve the urban design and amenity of the centre.
- Identify unusually large or strategically significant sites that can leverage carefully managed increases in height to deliver significant public domain and community facility improvements, that would otherwise be beyond Council's financial and spatial capacity in the Neutral Bay town centre.

Revisions of draft Future Direction Report include:

- Removal of site 4 as a strategically significant site. Site 4 comprises the Barry Street car park that would otherwise be amalgamated with the neighboring residential cottages and the commercial building at 40 Yeo Street. Feedback and further assessments identified issues regarding inappropriate building height increases, solar impact, transition, delivery mechanism, feasibility and change of character.
- Replacing the recreational facility with a new community centre as a community benefit. The height clearance of a recreational facility is considerable and leads to an undesirable built form outcome. Some negative feedback was received with little support for the facility. Analysis also shows that the operational costs of a single court is an ongoing burden to Council and the community. A larger recreational facility elsewhere in North Sydney is preferred. Two potential locations for a new community centre have been identified with further discussions with landowners required during the preparation of a subsequent planning proposals.
- Refinement to requirements associated with the delivery of public improvements, in particular the community centre. It is important that community facilities have a direct presence to the public domain and issues of natural light and natural ventilation are addressed.
- A less prescriptive, more principles-based approach to the Grosvenor Lane car park to address concerns of existing landowners and local shops regarding public ownership, parking, loading, access and the balance/location of public improvements.

The Study proposes to retain height increases on sites 1, 2 and 3 as previously exhibited (8 and 12 storeys) to strike a balance between the careful management of height to preserve character and enhance amenity whilst delivering on much needed public benefits for the centre. Sites 1 and 2 would benefit from the preparation of a collaborative masterplan, but the Study does not mandate this.

This balanced development uplift has the potential to deliver:

- Existing and new public domain improvements including significant new public plazas.
- Relocation Grosvenor Lane car park to be less visually dominant.
- Regional secured commuter bicycle parking (28 spaces).
- New community centre with accessible toilet and family room (~1,000m²).
- New creative makers art alley (~600m²).
- Increased employment floorspace from existing non-residential FSR of 0.5:1 to 1.2:1, 1.5:1 & 2.0:1.

The Grosvenor Plaza is planned to remain in Council's ownership. Any approach to utilise all or part of this land by private interests, will be required to undergo a public expression of interest process.

This report recommends that this Study be adopted to provide a framework and guidance for ongoing discussion with local landowners about the future development of the Centre.

A budget of \$108K in the 2019/20 was allocated to the Military Road Corridor Planning Study. External consultants provided technical input regarding financial feasibility, heritage and costs expended covered public exhibition/consultation activities.

Recommending:

1. **THAT** Council note the submissions received and the issues raised during the exhibition.
2. **THAT** Council adopt the Future Directions Report, as amended, as the strategic development framework for Neutral Bay town centre.
3. **THAT** Council note the Future Direction Report will guide future Planning Proposals.
4. **THAT** the inclusion of any Council owned land in a development scheme be the subject of a public Expressions of Interest Process.
5. **THAT** Council actively raise and pursue pedestrian amenity improvements along the Military Road with relevant State Agencies.

A Motion was moved by Councillor Gibson and seconded by Councillor Barbour,

1. **THAT** the matter be deferred to the next Ordinary Council Meeting.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

190. RESOLVED:

1. **THAT** the matter be deferred to the next Ordinary Council Meeting.

8.7. Public Exhibition of Draft North Sydney Local Infrastructure Contributions Plan

This Item was adopted By Exception (see page 6).

AUTHOR: Rob O'Brien, Senior Strategic Planner

To report the outcomes of the public exhibition of the draft North Sydney Local Infrastructure Contributions Plan (the Plan), including minor amendments to the plan in response to submissions received.

At its meeting on 24 August 2020, Council resolved to place the Draft North Sydney Local Infrastructure Contributions Plan on public exhibition. This report outlines the issues raised in submissions and recommends minor amendments to enable Council to adopt of the North Sydney Local Infrastructure Contributions Plan provided at Attachment 1.

A total of eight (8) submissions were received during the public exhibition period. Under Clause 33A(2) of the EP&A Regulation 2000, a Council is to consider any submissions received from public authorities or the public. The main issues raised included; concerns over proposed non-residential levy amounts, application of levies to schools, timing of payments, complexity of plan, plan commencement and broader economic impacts on development viability. Responses to the issues raised in these submissions are detailed in the body of this report.

The Plan is required to identify a commencement date. Given that it will represent new charges for some developments that are already in the assessment system, and that significant internal work will be required to prepare Council's systems and processes, this report recommends that the new Plan come into force from 1 March 2021.

This report recommends that the draft Plan should be finalised and adopted with minor amendments.

The preparation and public exhibition of the North Sydney Local Infrastructure Contributions Plan has been funded through the DPIE LEP Acceleration Grant. The Plan identifies \$401 million worth of community infrastructure to be delivered to support residential and employment growth, over the 16-year life of the plan. It is estimated that the Plan will fund approximately \$195.3 million of the cost of these total works. Funding gaps will be considered throughout the 16-year life of the plan through Council's budgeting processes. It is estimated the Plan will provide an average of approximately \$12.2 million per annum of contributions as compared to the current average annual income of almost \$9.9 million.

Recommending:

- 1. THAT** Council note the submissions received and the issues raised following public exhibition of the North Sydney Local Infrastructure Contributions Plan.
- 2. THAT** Council adopt the North Sydney Local Infrastructure Contributions Plan, as amended, subject to a commencement date of 1 March 2021 under clause 31(4) of the EP&A Regulation 2000 (Attachment 1).
- 3. THAT** Council publish a public notice on Council's website within 28 days of Councils' decision to adopt the North Sydney Local Infrastructure Contributions Plan under clause 31 of the EP&A Regulation 2000.
- 4. THAT** Council repeal the existing North Sydney Section 94 Contributions Plan 2013 and place a public notice of intent to repeal the Plan (and reasons for doing so) on Council's website at least 14 days before repealing the plan under clause 32 (2A) of the EP&A Regulation 2000.
- 5. THAT** Council authorise the General Manager to make appropriate amendments to the Plan under s32(3) of the EP&A Regulation 2000 where required to reflect changes to CPI or minor typographical corrections.
- 6. THAT** upon repeal of the former plan, remaining contributions from the repealed Plan be transferred to appropriate accounts under the new plan, generally in accordance with this report.

191. RESOLVED:

- 1. THAT** Council note the submissions received and the issues raised following public exhibition of the North Sydney Local Infrastructure Contributions Plan.
- 2. THAT** Council adopt the North Sydney Local Infrastructure Contributions Plan, as amended, subject to a commencement date of 1 March 2021 under clause 31(4) of the EP&A Regulation 2000 (Attachment 1).
- 3. THAT** Council publish a public notice on Council's website within 28 days of Councils' decision to adopt the North Sydney Local Infrastructure Contributions Plan under clause 31 of the EP&A Regulation 2000.
- 4. THAT** Council repeal the existing North Sydney Section 94 Contributions Plan 2013 and place a public notice of intent to repeal the Plan (and reasons for doing so) on Council's website

at least 14 days before repealing the plan under clause 32 (2A) of the EP&A Regulation 2000.

5. THAT Council authorise the General Manager to make appropriate amendments to the Plan under s32(3) of the EP&A Regulation 2000 where required to reflect changes to CPI or minor typographical corrections.

6. THAT upon repeal of the former plan, remaining contributions from the repealed Plan be transferred to appropriate accounts under the new plan, generally in accordance with this report.

8.8. Planning Proposal - 173-179 Walker Street and 11-17 Hampden Street North Sydney

This Item was adopted By Exception (see page 6).

AUTHOR: Neal McCarry, Team Leader - Policy

To seek Council's endorsement for a submission to planning proposal (Ref No's PP3/19, PP_2020_NORTH_004) at 173-179 Walker Street and 11-17 Hampden Street North Sydney, the public exhibition of which, was conducted by the NSW Government's Planning Panel's Secretariat.

This report is presented to Council to seek endorsement of a submission to a planning proposal that was previously not supported by Council. The progression of the Planning Proposal is contrary to Council's Local Strategic Planning Statement and Civic Precinct Planning Study. An objection in this regard is recommended.

Following the lodgement of a Rezoning review by the applicant and consideration by the Sydney North Regional Planning Panel, a Gateway Determination was issued. The public exhibition of the planning proposal is being administered by the Planning Panels Secretariat in a manner that has made it difficult for the community to interpret and understand. This is recommended to be outlined in Council's submission.

This report and recommendation do not give rise to any direct financial implications.

Recommending:

1. THAT Council make a submission to the planning proposal for 173-179 Walker Street and 11-17 Hampden Street outlining the following matters, which are elaborated on in this report:

- a) The progression of the planning proposal is contrary to the Objectives and Actions contained within North Sydney Council's finalised Local Strategic Planning Statement;
- b) The planning proposal is inconsistent with elements of Council's Civic Precinct Planning Study;
- c) The basis of satisfaction and compliance with the conditions of the Gateway Determination are unclear, further inhibiting public engagement and confidence in the process;
- d) The form of the public exhibition of the planning proposal has not assisted the wider community fully engaging with the process given the volume and manner in which exhibition material has been presented;
- e) The planning proposal may give rise to excessive and unreasonable view loss impacts on surrounding properties.

2. THAT Council write to the Greater Sydney Commission's District Commissioner expressing its concern at the undermining of best practice local strategic planning processes.

192. RESOLVED:

1. THAT Council make a submission to the planning proposal for 173-179 Walker Street and 11-17 Hampden Street outlining the following matters, which are elaborated on in this report:

- a) The progression of the planning proposal is contrary to the Objectives and Actions contained within North Sydney Council's finalised Local Strategic Planning Statement;

- b) The planning proposal is inconsistent with elements of Council's Civic Precinct Planning Study;
 - c) The basis of satisfaction and compliance with the conditions of the Gateway Determination are unclear, further inhibiting public engagement and confidence in the process;
 - d) The form of the public exhibition of the planning proposal has not assisted the wider community fully engaging with the process given the volume and manner in which exhibition material has been presented;
 - e) The planning proposal may give rise to excessive and unreasonable view loss impacts on surrounding properties.
2. **THAT** Council write to the Greater Sydney Commission's District Commissioner expressing its concern at the undermining of best practice local strategic planning processes.

8.9. NSW Public Space Legacy Program

This Item was adopted By Exception (see page 6).

AUTHOR: David Hoy, Team Leader Assessments

To advise that Council has been accepted to the NSW Department of Planning Industry & Environment (DPIE) Public Spaces Legacy Program which provides access funding of up to \$4.75M for public open space projects subject to performance improvements in determination of development applications.

On 24 August 2020 Council considered a report outlining the benefits and commitments of participation in the NSW Planning Acceleration and Public Space Legacy Program.

This Program provides access to funding up to \$4.75M to be used for the purposes of public open space projects in return for demonstrated improvement to development application processing and advancement of key development of strategic planning projects at specific Milestones up to 30 June 2021.

At this meeting Council resolved:

1. *THAT Council acknowledge the launch of the NSW Planning Acceleration and Public Space Legacy Program which encourages Council to achieve a 15% improvement in median development assessment performance between 1 September 2020 and 30 June 2021 in return for consideration of funding for public and open space projects.*
2. *THAT Council submit a proposal to participate in the program.*
3. *THAT Council note the potential impacts of participation in the program.*
4. *THAT should Council be successful in a submission, further details be reported back to Council.*

On 28 August 2020 an application was lodged with the NSW Department of Planning Industry & Environment (DPIE) to participate in the Public Space Legacy Program.

On 6 November 2020 Council was advised by NSW Department of Planning Industry & Environment (DPIE) that it had been accepted to the Program. The participation agreement has been executed.

Accelerated planning assessments may result in additional financial pressures on development related budget allocations. To date no additional expenditure has been identified that cannot be absorbed within current budget lines.

The application to participate in the Legacy Program identifies the following projects if the grant funds predicated on achieving the planning targets become available:

1. Acquisition of the former Quarantine Boat Depot - \$2.3M
2. Design and renovation of existing building and landscaping works at the former Quarantine Boat Depot to ensure the site is available for public access and recreation - \$1.808M

3. Upgrade and expansion of two play spaces - \$0.5M

The projects will be subject to further detailed applications following achievement of targets for the period to 31 December 2020.

Recommending:

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

193. RESOLVED:

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

8.10. Active Transport Grant Offer from TfNSW

AUTHOR: Lindsay Munday, Sustainable Transport Project Co-ordinator

This report provides information to Council on three (3) grant offers from TfNSW for the construction of Active Transport (walking and cycling) projects for the 2020/2021 financial year.

This report provides information to Council on three (3) grant offers from TfNSW for the construction of Active Transport projects in the 2020/2021 financial year in the following locations:

- Young Street between Sutherland Street and Grosvenor Street;
- Ernest Street between Warringah Freeway and Anzac Avenue; and
- The road connection comprising sections of Broughton Road, Clarke Road, Kurraba Road, Wycombe Road and Harriette Street (Route 3).

The combined value of the three (3) grants is \$3,457,450 with a proposed contribution of \$896,750 from Council.

All the projects include walking, cycling and public domain/landscaping improvements.

This report recommends that Council provisionally accept the grants, with progression to construction stage conditional on community consultation and support for the projects.

Draft designs for community consultation are currently being finalised, and the project planning includes an allowance for a further round of designs in response to the outcomes of community consultation.

If the projects were to proceed to construction, this would likely take place between June 2021 to March 2022 with Ernest Street constructed first, Young Street second and Route 3 third. The construction period for each would not be likely to overlap.

A Councillor Briefing on the grants was held on Monday 9 November to brief Councillors on the design details of three active transport projects that are the subject of this grant funding offer from TfNSW.

Acceptance of the grant would amount to \$3,457,450 in grant income and would require an estimated contribution of \$896,750 from Council from the 2020/2021 and 2021/2022 cycling facilities budget. At the time of writing \$799,773 is available in the cycling facilities budget.

This report is recommending that Council request that TfNSW fully fund Route 3 - Kirribilli to Cremorne due to the impacts that COVID-19 is having on Council's revenues and its ability to fund its Capital Works Program. Council's commitment to contribute \$500,000 of its own funds towards Route 3 was made over 18 months ago before COVID-19 became a pandemic and its impacts on Council's revenues were known.

Recommending:

1. **THAT** Council provisionally accept the grant offer from TfNSW for construction of Active Transport projects in 'Ernest Street', 'Young Street' and 'Route 3', subject to agreement from TfNSW that the construction phase of the projects is subject to the outcomes of community consultation on the projects.

2. **THAT** Council request 25% of the grant value be provided at project acceptance to assist with the costs of consultation and finalisation of the designs for all three routes.
3. **THAT** Council request TfNSW fully fund Route 3 - Kirribilli to Cremorne due to the impacts that COVID-19 is having on Council's revenues and its ability to fund its Capital Works Program
4. **THAT** Council include in the provisional acceptance letter to TfNSW a request for project delivery to carry over into the 2021/22 Financial Year given the scale of the projects and limitations on consultation throughout 2020.
5. **THAT** consultation on all three projects commence in December 2020 and run to February 2021 with reporting provided to the first Council meeting following the completion of consultation.
6. **THAT** should Council resolve to proceed with the projects, that approval/concurrence from the North Sydney Traffic Committee be sought under delegation to the Manager Traffic and Transport Operations.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

Against: Councillor Gunning

Absent: Councillor Carr

194. RESOLVED:

1. **THAT** Council provisionally accept the grant offer from TfNSW for construction of Active Transport projects in 'Ernest Street', 'Young Street' and 'Route 3', subject to agreement from TfNSW that the construction phase of the projects is subject to the outcomes of community consultation on the projects.
2. **THAT** Council request 25% of the grant value be provided at project acceptance to assist with the costs of consultation and finalisation of the designs for all three routes.
3. **THAT** Council request TfNSW fully fund Route 3 - Kirribilli to Cremorne due to the impacts that COVID-19 is having on Council's revenues and its ability to fund its Capital Works Program
4. **THAT** Council include in the provisional acceptance letter to TfNSW a request for project delivery to carry over into the 2021/22 Financial Year given the scale of the projects and limitations on consultation throughout 2020.
5. **THAT** consultation on all three projects commence in December 2020 and run to February 2021 with reporting provided to the first Council meeting following the completion of consultation.
6. **THAT** should Council resolve to proceed with the projects, that approval/concurrence from the North Sydney Traffic Committee be sought under delegation to the Manager Traffic and Transport Operations.

8.11. Primrose Park Art & Craft Centre - Joint Strategic Plan Review 2019/20

This Item was adopted By Exception (see page 6).

AUTHOR: Rebecca Aukim, Acting Director Community & Library Services

To report on the annual review of Primrose Park Art and Craft Centre's Joint Strategic Plan with Council.

The Primrose Park Art and Craft Centre Joint Strategic Plan is a joint planning statement by Council and Primrose Park Art & Craft Centre Inc (PPACCI). The PPACCI is run through a voluntary Management Committee.

All the objectives in the Joint Strategic Plan were completed despite the Centre having to close from March to June 2020 due to COVID-19.

Currently, the active groups at Primrose Park Art and Craft Centre are: Basketry, Calligraphy, Paper Arts, Photography, Textiles and the 'Artists in the Park' painting group.

Many of the groups maintained their membership during the closure and between them, the six groups have a total of 371 members.

The building which houses the Primrose Park Art and Craft Centre is owned and maintained by Council. While Council's policy with its community centres is to allow for peppercorn rent, in this case as the Centre is on Crown Land, the minimum statutory rent is charged: \$548.08. PPACCI finished 2019/20 with a deficit of \$3,190.

Recommending:

1. THAT the report on the Primrose Park Art and Craft Centre Joint Strategic Plan 2019/20 be received.

195. RESOLVED:

1. THAT the report on the Primrose Park Art and Craft Centre Joint Strategic Plan 2019/20 be received.

8.12. North Sydney Community Centre - Joint Strategic Plan Review 2019/20

This Item was adopted By Exception (see page 6).

AUTHOR: Rebecca Aukim, Acting Director Community & Library Services

To report on the 2019/20 review of the North Sydney Community Centre's Joint Strategic Plan with Council.

North Sydney Community Centre (NSCC) is an independent, not for profit organisation that receives support from Council.

The governance and strategic direction of the organisation is delivered by a Volunteer Management Committee with operational matters delivered by the Centre Director and staff.

NSCC provide a diverse range of programs and services for the North Sydney community. These include: Classes and workshops for adults; Music & Movement classes for children; The Northside Produce Markets; After School Care; Explorers Playgroup; community events and venue hire.

Under a COVID-19 Public Health Order, NSCC was required to close in March 2020. The Centre reopened June 2020. Despite the closure, the Centre was able to complete all their objective in the Joint Strategic Plan.

For the 2019/20 financial year Council provided NSC with a grant of \$82,057. The NSCC facility is provided at a peppercorn rent.

Although they received JobKeeper assistance (\$141,000) due to COVID-19, NSCC finished 2019/20 with a deficit of \$77,205.

Recommending:

1. THAT the 2019/20 review of the North Sydney Community Centre's Joint Strategic Plan be noted.

196. RESOLVED:

1. THAT the 2019/20 review of the North Sydney Community Centre's Joint Strategic Plan be noted.

8.13. Shorelink Libraries Annual Report and Financial Statements 2019-20

This Item was adopted By Exception (see page 6).

AUTHOR: Kate Stewart, Acting Manager Library Services

To report on the Shorelink Libraries 2019-20 financial statements and annual report.

The 182nd meeting of the Shorelink Libraries Committee was held on 4 November 2020 at which the Network's 2019-20 financial statements were tabled, in addition to the Annual Report.

The Shorelink Library Network is comprised of North Sydney (Stanton), Lane Cove and Mosman Libraries.

Despite a ten week closure due to COVID-19 Public Health Orders, Shorelink Libraries continued to deliver services to the community throughout this period via online platforms or home delivery services.

Shorelink Libraries issued 1,203,716 items, a fall of only 8.6% compared to the previous year. eResources performed even better, with 149,716 items borrowed, an increase of 25,000 over figures for 2018-19.

The network ended the 2019-20 year with a surplus of \$29,673. This was largely attributable to additional mid-year contributions from the member Councils for eResources, to be expended in 2020-21.

Recommending:

1. THAT the minutes of the Shorelink Library Network meeting held on 4 November 2020 be adopted.

2. THAT the Shorelink Libraries Annual Report 2019-20 be adopted.

197. RESOLVED:

1. THAT the minutes of the Shorelink Library Network meeting held on 4 November 2020 be adopted.

2. THAT the Shorelink Libraries Annual Report 2019-20 be adopted.

8.14. Draft Plan of Management for Neighbourhood Parks

This Item was adopted By Exception (see page 6).

AUTHOR: Megan White, Landscape Planner/Architect

To undertake the processes required by the *Crown Land Management Act 2016* to enable the new draft Plan of Management for Neighbourhood Parks to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft PoM for Neighbourhood Parks is the third Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Neighbourhood Parks Plan of Management 2010.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Plan of Management for Neighbourhood Parks is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

Recommending:

1. THAT Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for Neighbourhood Parks.

2. THAT Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Plan of Management for Neighbourhood Parks.

3. THAT upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

198. RESOLVED:

1. THAT Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for Neighbourhood Parks.

2. THAT Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Plan of Management for Neighbourhood Parks.

3. THAT upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

8.15. Draft Bushland Plan of Management

This Item was adopted By Exception (see page 6).

AUTHOR: Megan White, Landscape Planner/Architect

To undertake the processes required by the *Crown Land Management Act 2016* to enable the new draft Bushland Plan of Management to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft Bushland PoM is the second Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Bushland Plan of Management 2014.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Bushland Plan of Management is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

Recommending:

1. **THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Bushland Plan of Management
2. **THAT** Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Bushland Plan of Management
3. **THAT** upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the Local Government Act 1993.

199. RESOLVED:

1. **THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Bushland Plan of Management
2. **THAT** Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Bushland Plan of Management
3. **THAT** upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the Local Government Act 1993.

8.16. Draft Plan of Management for Cremorne Reserve

This Item was adopted By Exception (see page 6).

AUTHOR: Megan White, Landscape Planner/Architect

To undertake the processes required by the Crown Land Management Act 2016 to enable the new draft Plan of Management for Cremorne Reserve to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft PoM for Cremorne Reserve is the fourth Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Cremorne Reserve Plan of Management 2013.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Plan of Management for Cremorne Reserve is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

Recommending:

- 1. THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for Cremorne Reserve.
- 2. THAT** Council requests approval from the Department of Planning, Industry and Environment - Crown Lands to publicly exhibit the attached draft Plan of Management for Cremorne Reserve.
- 3. THAT** upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

200. RESOLVED:

- 1. THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for Cremorne Reserve.
- 2. THAT** Council requests approval from the Department of Planning, Industry and Environment - Crown Lands to publicly exhibit the attached draft Plan of Management for Cremorne Reserve.
- 3. THAT** upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

8.17. Kurraba Point Reserve - Vegetation Management Plan

AUTHOR: David Manson, Manager Parks & Reserves

The purpose of this report is to provide Council details on a proposed Vegetation Management Plan (VMP) at Kurraba Point Reserve.

The report has been prepared for Council's consideration. The proposed Vegetation Management Plan has been submitted by Thirdi Group of whom are the developers of 147-153 Kurraba Road.

The proposed VMP will facilitate weed removal and the subsequent revegetation of a degraded and difficult to access section of cliffside vegetation at Kurraba Reserve. This VMP will be implemented by an appropriate environmental restoration contractor on behalf of the proponent for 6.75 years, before the sites maintenance is returned to the management of North Sydney Council.

The Proposed VMP will be funded in full by the developers of 147-153 Kurraba Road for the 6.75-year period. The sites maintenance would then be returned to Council for it to be completed under ongoing operational budgets.

Recommending:

- 1. THAT** Council approve this agreement to have the VMP implemented by Thirdi Group for 6.75 years to improve the steep and degraded cliff line at Kurraba Reserve.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

201. RESOLVED:

1. THAT Council approve this agreement to have the VMP implemented by Thirdi Group for 6.75 years to improve the steep and degraded cliff line at Kurraba Reserve.

8.18. 85 Broughton Street Kirribilli - Jacaranda Tree Removal Application

This Item was adopted By Exception (see page 6).

AUTHOR: Melanie Hamilton, Tree Preservation Officer

To consider an application from the property owners of 85 Broughton Street, Kirribilli for the removal of a Jacaranda tree to prevent Brush Turkeys from roosting in the canopy.

An application for tree removal has been received from the owners of 85 Broughton Street, Kirribilli to remove a Jacaranda tree located in the rear yard to prevent Brush Turkeys roosting in the tree. The application for removal under Council's Tree and Vegetation Management Policy has been declined under delegated authority by Council staff.

It is believed that to remove a tree for the purposes of preventing wildlife for using a tree for habitat is not consistent with Council's tree protection policies and would set an unreasonable precedent.

Nil.

Recommendation:

1. THAT Council refuse the application to remove the Jacaranda tree.

202. RESOLVED:

1. THAT Council refuse the application to remove the Jacaranda tree.

8.19. Restoration Works on Public Land Policy and Amended Guidelines - Post Exhibition

This Item was adopted By Exception (see page 6).

AUTHOR: Danilo Giribaldi, Works Manager

To provide an update to Council on the single submission received during the Public Exhibition of the "Restoration Works on Public Land Policy" and to recommend adoption by Council of the new policy and amended guidelines.

At its meeting on 24 August 2020 Council resolved (Min. No.112):

1. *THAT the Draft "Restoration Works on Public Land Policy" and amended 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 "Restoration*

Works on Public Land Policy” and Amended Guidelines as adopted at the end of the closing period for submissions.

The draft policy, including the amended guidelines for restoration works on public land was publicly exhibited from 1 September to 28 September 2020 (28 days). During that period, one submission was received. The submission supports the primary intent of the exhibited policy and associated guidelines, along with minor modifications to the guidelines as mutually discussed. In accordance with Item 2 of the above-mentioned resolution, this matter is referred to Council recommending adoption.

The key objective of this policy is to reduce the amount of cost shifting back to Council that results from utility companies, developers, and or private property owners undertaking poor quality restoration work on Council owned assets, and infrastructure.

Recommending:

1. **THAT** Council note the submissions received.
2. **THAT** Council adopt the “*Restoration Works on Public Land Policy*” and the amended associated Guidelines, including minor modifications to the Guidelines in response to the one submission received.

203. RESOLVED:

1. **THAT** Council note the submissions received.
2. **THAT** Council adopt the “*Restoration Works on Public Land Policy*” and the amended associated Guidelines, including minor modifications to the Guidelines in response to the one submission received.

8.20. Residential Food Scraps Collection and Processing Trial

AUTHOR: Bo Karaula, Waste Management Coordinator

This report was prepared in response to Mayoral Minute MM03 Diverting Food Waste from Landfill considered by Council at its meeting on 24 February 2020.

At its meeting on 24 February 2020, resolved:

1. *THAT staff prepare a report on the options for conducting a food waste diversion trial that:*
 - 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.*

The report outlines an estimation of costs and options (including use of an online / smart phone booking system) for implementing a food waste collection trial involving the separate collection and recycling of food scraps from residential Multi-Unit Dwellings (MUDs) in the Local Government Area (LGA) of North Sydney.

The project will be funded from the Domestic Waste Management Budget.

Recommending:

1. **THAT** the Residential Food Scraps Collection and Processing Trial report be received.
2. **THAT** the Food Waste Collection Trial is progressed in accordance with the budget and methodologies and timeframes proposed in the details outlined in this report.
3. **THAT** Council seeks three quotations from waste consultancies listed in the Local Government Approved Panel to assist Council in the planning, management and implementation of the trial.
4. **THAT** a final report is provided to Council on the results of the Food Waste Collection Trial.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

204. RESOLVED:

- 1. THAT** the Residential Food Scraps Collection and Processing Trial report be received.
- 2. THAT** the Food Waste Collection Trial is progressed in accordance with the budget and methodologies and timeframes proposed in the details outlined in this report.
- 3. THAT** Council seeks three quotations from waste consultancies listed in the Local Government Approved Panel to assist Council in the planning, management and implementation of the trial.
- 4. THAT** a final report is provided to Council on the results of the Food Waste Collection Trial.

8.21. Code of Conduct Statistics Report

This Item was adopted By Exception (see page 6).

AUTHOR: Ian Curry, Manager Governance & Committee Services

To report on the Code of Conduct complaints for the period 1 September 2019 to 31 August 2020, as required by the Office of Local Government (OLG).

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 30 November 2020, for the period 1 September 2019 to 31 August 2020. The number of Code of Conduct complaints received is two (2), compared to Nil for the period 1 September 2018 to 31 August 2019.

Costs incurred through the administration of the Code of Conduct in the reporting period were Nil.

Recommending:

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

205. RESOLVED:

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

8.22. New Applications for Reference Group Membership

This Item was adopted By Exception (see page 6).

AUTHOR: Melissa Dunlop, Governance Co-ordinator

The purpose of this report is to inform Council of two applications received for Reference Group citizen membership.

Mrs Yaffa Gould has applied to be a member of the Sustainable Transport Reference Group as she has recently moved to the Local Government Area and has an interest in cycling.

Mr Tristan Liles has applied to replace Ms Ashleigh Campbell as the Australian Catholic University (ACU) representative for the Sport & Recreation Reference Group.

Nil.

Recommending:

1. THAT the applications from Mrs Yaffa Gould for citizen membership of the Sustainable Transport Reference Group and Mr Tristan Liles for the Sport & Recreation Reference Group be accepted.

206. RESOLVED:

1. THAT the applications from Mrs Yaffa Gould for citizen membership of the Sustainable Transport Reference Group and Mr Tristan Liles for the Sport & Recreation Reference Group be accepted.

8.23. Amendment to 2020 Council Meeting Schedule

AUTHOR: Ian Curry, Manager Governance & Committee Services

To add an Extraordinary Council meeting date to the 2020 Council meeting schedule.

The final scheduled meeting of Council for 2020 is 30 November.

Tenders for the North Sydney Olympic Pool (NSOP) redevelopment closed on Thursday 19 November 2020 and are currently being assessed.

In order to consider the tender prior to the end of 2020, it will be necessary to schedule an Extraordinary Meeting of Council.

It is proposed that this meeting be held on Tuesday 15 December 2020 at 5.30pm.

As the Extraordinary Meeting is only proposed to address the single item of the confidential tender assessment and this will occur in Closed Session, it is not proposed to conduct a Public Forum prior to the meeting.

Nil.

Recommending:

1. THAT the 2020 Council meeting schedule be amended to provide for an Extraordinary Meeting of Council on Tuesday 15 December at 5.30pm.

2. THAT Mayor and General Manager be authorised to amend the date and time of the meeting if necessary to align with the tender assessment.

A Motion was moved by Councillor Keen, seconded by Councillor Brodie,

1. THAT the 2020 Council meeting schedule be amended to provide for an Extraordinary Meeting of Council on Tuesday 15 December at 9.30am.

2. THAT Mayor and General Manager be authorised to amend the date and time of the meeting if necessary to align with the tender assessment.

By consent, the Motion was withdrawn.

The Recommendation was moved by Councillor Keen and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

207. RESOLVED:

1. THAT the 2020 Council meeting schedule be amended to provide for an Extraordinary Meeting of Council on Tuesday 15 December at 5.30pm.

2. THAT Mayor and General Manager be authorised to amend the date and time of the meeting if necessary to align with the tender assessment.

8.24. Coal Loader Shade and Other Facilities

AUTHOR: David Banbury, Landscape Architect/Project Co-ordinator

This report considers matters raised in MM01: Trees at the Coal Loader from the meeting of Council on 23 September 2019 (Min. No. 254) regarding additional shade and other facilities, such as toilets, drinking fountains and site furniture on the Coal Loader Platform in Waverton. At the Council meeting of 23 September 2019 (MM01 Min. No. 254) it was resolved:

1. THAT a report be prepared on ways to provide additional shade at the Coal Loader Platform in time for the 2020/21 summer. The report should:

- a) provide a range of options for Council to consider, including planting additional trees along the periphery of the Platform as well as options for shade using the existing colonnade;*
- b) include a review of essential facilities on the Platform and recommendations for providing additional facilities, such as toilets and a drinking fountain, if required;*
- c) include the cost of installing and maintaining each option; and*
- d) be provided to Council in time to incorporate a project in the 2020/21 Operational Plan if required.*

This report outlines progress to date on the above items.

Funding for any proposed work will be dealt with as part of the budgeting process for the 2021/22 financial year.

Recommending:

1. THAT the report be received.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

208. RESOLVED:

1. THAT the report be received.

8.25. Managing Rent Relief Requests from Council Tenants Due to COVID-19

This Item was adopted By Exception (see page 6).

AUTHOR: Albert Lo, Manager Property Assets

This report is recommending that North Sydney Council should adopt the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 and the NSW governments “Retail and Other Commercial Leases (COVID-19) Regulation 2020” for managing rental waivers and rental deferrals for Council’s Property portfolio – refer to attachments.

In response to the COVID-19 pandemic, which was announced by World Health Organisation on 11 March 2020, North Sydney Council created and adopted a Policy in relation to “Waiving Charges during Novel Coronavirus (COVID-19)” on 27 March 2020. The Policy identifies support and/or waivers of lease fees or charges that Council will provide to Council’s lessees and licensees impacted by the Government response to COVID-19 – particularly those impacted by enforced closures of their business.

In accordance with the adopted Council Policy on “Waiving Charges during COVID-19”, rental waivers have been applied to the following businesses and community groups in North Sydney from 1 April 2020:

- Outdoor Dining operators (Licence Holders)
- Recreational and Sporting facilities
- Community (Not for profit) groups
- Cafe and Restaurant operators

This report is now recommending that Council adopt the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 and the NSW governments “Retail and Other Commercial Leases (COVID-19) Regulation 2020”. This Regulation commenced on 24 April 2020 when it was published on the NSW legislation website and initially ended after 6 months on 24 October 2020. On 23 September 2020, the NSW Government Treasurer announced that the Regulation will be extended to 31 December 2020. It is more than likely that this end date of 31 December 2020 may be further extended to be in line with the Federal Government’s JobKeeper extension to 31 March 2021. On 17 November 2020, the NSW Government has announced through a media release that a temporary extension to 28 March 2021 of the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles *for retail tenants only* with an annual turnover of less than \$5 million will be granted. The Federal Government is yet to announce the date changes to the National Code of Conduct will be made.

It is prudent and logical for Council to now adopt this approach as it will ensure consistency with the State and Federal Codes and Regulations.

The total estimated financial loss due to rental waivers for the 6 months from July to December 2020 is around \$677,440. The financial loss to Council would be similar if Council did not

adopt the Federal Code as it is not forecast that businesses will significantly recover and be able to pay Council rent during the same period.

Using the same estimates and projection, the total estimated annual reduction in rental income from Council's Property Portfolio for 2020/21 will be about \$1.35 million.

Note: On 17 November 2020, the NSW Government has announced through a media release that a temporary extension to 28 March 2021 of the National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles *for retail tenants only* with an annual turnover of less than \$5 million will be granted. This will also have an impact on rental income from Council's Property Portfolio.

Recommending:

- 1. THAT** the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 be adopted by North Sydney Council for managing rental waivers and rental deferrals for Council's Property portfolio.
- 2. THAT** in the event that the NSW Governments "Retail and other Commercial Leases (COVID-19) Regulation (No 2) 2020 is extended beyond 31 December 2020, Council should also match the extension period for rent relief until the prescribed period ends.
- 3. THAT** Council notes the financial impacts of the rental waivers and the rental deferral amounts on Council's Property portfolio revenue as detailed in this report.
- 4. THAT** delegated authority be given to the General Manager to approve or not approve the rental waivers and the rental deferrals for Council's tenants and licence holders when applications are received from Council's Property Department.

209. RESOLVED:

- 1. THAT** the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 be adopted by North Sydney Council for managing rental waivers and rental deferrals for Council's Property portfolio.
- 2. THAT** in the event that the NSW Governments "Retail and other Commercial Leases (COVID-19) Regulation (No 2) 2020 is extended beyond 31 December 2020, Council should also match the extension period for rent relief until the prescribed period ends.
- 3. THAT** Council notes the financial impacts of the rental waivers and the rental deferral amounts on Council's Property portfolio revenue as detailed in this report.
- 4. THAT** delegated authority be given to the General Manager to approve or not approve the rental waivers and the rental deferrals for Council's tenants and licence holders when applications are received from Council's Property Department.

9. Notices of Motion

9.1. Notice of Rescission 4/20 by Councillors Beregi, Baker and Carr - Civic Precinct Planning Study (Item 8.10 Civic Precinct Planning Study - Post Exhibition)

1. THAT the Council's resolution relating to item 8.10 Civic Precinct Planning Study - Post Exhibition, passed at the meeting of the Council held on 26 October 2020 be and is hereby rescinded.

- 1. THAT** Council adopt the Civic Precinct Planning Study (Attachment 1), as amended.
- 2. THAT** the Planning Study be amended to recommend maximum height limits of 8 - 10 storeys across 253-267 Pacific Highway.
- 3. THAT** the Planning Study be amended to show a maximum height of 16 storeys at the "Fiveways Triangle" site to reflect the St Leonards/Crows Nest 2036 Plan.

4. **THAT** a draft amendment to the North Sydney Development Control Plan (2013) to implement the recommendations of the Civic Precinct Planning Study be reported back to Council.
5. **THAT** a planning study of the Falcon Street corridor is prepared once the impacts and final design of the Western Harbour Tunnel and transport plans to support the 2036 Plan are known.
6. **THAT** a masterplan of the Civic Block is prepared to address the future needs of the North Sydney community.
7. **THAT** Council writes to all submitters thanking them for their contributions to the refinement of the Study.
8. **THAT** the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council's resolution.

THAT the following resolution be passed in lieu thereof:

1. **THAT** Council adopt the Civic Precinct Planning Study as amended.
2. **THAT** the Planning Study be amended to recommend maximum height limits of 8 - 10 storeys across 253-267 Pacific Highway.
3. **THAT** the current maximum height controls under North Sydney LEP 2013 continue to apply to the "Fiveways Triangle" site.
4. **THAT** a draft amendment to the North Sydney Development Control Plan (2013) to implement the recommendations of the Civic Precinct Planning Study be reported back to Council.
5. **THAT** a planning study of the Falcon Street corridor is prepared once the impacts and final design of the Western Harbour Tunnel and transport plans to support the 2036 Plan are known.
6. **THAT** a masterplan of the Civic Block is prepared to address the future needs of the North Sydney community.
7. **THAT** Council writes to all submitters thanking them for their contributions to the refinement of the Study.
8. **THAT** the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council's resolution.

The Rescission Motion was moved by Councillor Beregi and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

For: Councillor Beregi, Councillor Brodie, Councillor Barbour, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Councillor Gibson, Councillor Keen, Councillor Drummond

Absent: Councillor Carr

The Proposed Motion was moved by Councillor Baker and seconded by Councillor Beregi,

1. **THAT** Council adopt the Civic Precinct Planning Study as amended.

2. **THAT** the Planning Study be amended to recommend maximum height limits of 8-10 storeys across 253-267 Pacific Highway.
3. **THAT** the current maximum height controls under North Sydney LEP 2013 continue to apply to the “Fiveways Triangle” site.
4. **THAT** a draft amendment to the North Sydney Development Control Plan (2013) to implement the recommendations of the Civic Precinct Planning Study be reported back to Council.
5. **THAT** a planning study of the Falcon Street corridor is prepared once the impacts and final design of the Western Harbour Tunnel and transport plans to support the 2036 Plan are known.
6. **THAT** a masterplan of the Civic Block is prepared to address the future needs of the North Sydney community.
7. **THAT** Council writes to all submitters thanking them for their contributions to the refinement of the Study.
8. **THAT** the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council’s resolution.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

For: Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Councillor Gibson, Councillor Drummond

Absent: Councillor Carr

210. RESOLVED:

1. **THAT** Council adopt the Civic Precinct Planning Study as amended.
2. **THAT** the Planning Study be amended to recommend maximum height limits of 8-10 storeys across 253-267 Pacific Highway.
3. **THAT** the current maximum height controls under North Sydney LEP 2013 continue to apply to the “Fiveways Triangle” site.
4. **THAT** a draft amendment to the North Sydney Development Control Plan (2013) to implement the recommendations of the Civic Precinct Planning Study be reported back to Council.
5. **THAT** a planning study of the Falcon Street corridor is prepared once the impacts and final design of the Western Harbour Tunnel and transport plans to support the 2036 Plan are known.
6. **THAT** a masterplan of the Civic Block is prepared to address the future needs of the North Sydney community.
7. **THAT** Council writes to all submitters thanking them for their contributions to the refinement of the Study.
8. **THAT** the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council’s resolution.

9.2. Notice of Motion No. 15/20 - Crs Beregi, Baker and Carr - Vale Bruce Burns

1. **THAT** Council acknowledge the enormous contribution of the late Mr Bruce Burns to our community.
2. **THAT** Council consult with Ms Carole Burns and the Burns family in respect of the location of a tree to be planted in his memory in the Balls Head locality of Waverton and that following

such consultation the tree be planted with a plaque identifying the reason for the planting and acknowledging Mr Burns' contribution to the Waverton Peninsula.

3. THAT Council write to Ms Carole Burns and the Burns family expressing deep sympathy and condolences on the passing of Mr Burns and include a copy of this resolution.

The Recommendation was moved by Councillor Baker and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

211. RESOLVED:

1. THAT Council acknowledge the enormous contribution of the late Mr Bruce Burns to our community.

2. THAT Council consult with Ms Carole Burns and the Burns family in respect of the location of a tree to be planted in his memory in the Balls Head locality of Waverton and that following such consultation the tree be planted with a plaque identifying the reason for the planting and acknowledging Mr Burns' contribution to the Waverton Peninsula.

3. THAT Council write to Ms Carole Burns and the Burns family expressing deep sympathy and condolences on the passing of Mr Burns and include a copy of this resolution.

9.3. Notice of Motion No. 16/20 - Crs Beregi, Baker and Carr - Fix Willoughby Road - Willoughby Road Public Domain Upgrade Works

1. THAT Council urgently attend to replacement and maintenance of street lighting, particularly under awning lighting, in Willoughby Road, Crows Nest.

2. THAT Council immediately prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.

A Motion was moved by Councillor Baker, seconded by Councillor Beregi,

1. THAT Council urgently attend to replacement and maintenance of street lighting, particularly under awning lighting, in Willoughby Road, Crows Nest.

2. THAT Council immediately prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.

3. THAT a report be prepared for the next Ordinary Council Meeting with options for borrowing to undertake the works to be serviced by revenue from the Mainstreet Levy.

Adjournment

The Mayor adjourned the meeting at 9.25pm in accordance with clause 15.13 of the Code of Meeting Practice citing constant interruptions from Councillor Beregi and the recording was stopped.

The meeting recommenced at 9.35pm and the recording resumed.

A Motion was moved by Councillor Baker and seconded by Councillor Beregi,

- 1. THAT** Council urgently attend to replacement and maintenance of street lighting, particularly under awning lighting, in Willoughby Road, Crows Nest.
- 2. THAT** Council immediately prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.
- 3. THAT** a report be prepared for the next Ordinary Council Meeting with all options for funding including the possible option of borrowing to undertake the works and staging of such works.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

For: Councillor Beregi, Councillor Baker

Against: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Absent: Councillor Carr

9.4. Notice of Motion No. 17/20 - Crs Beregi, Baker and Carr - Final 2036 Plan – Maximum Heights on Pacific Highway

- 1. THAT** Council write urgently to the Minister for Planning (copied to the relevant State and Federal local MPs) seeking immediate amendments to the final adopted 2036 Plan to return the maximum heights which were increased following community consultation and exhibition of the Draft 2036 Plan to the exhibited heights.
- 2. THAT** the letter to the Minister include a submission prepared by Council's strategic planning staff, particularly with reference to the significant adverse amenity impacts of the proposed massive increase in heights along the western side of the Pacific Highway on eastern Wollstonecraft residents and properties.
- 3. THAT** Council provide a copy of this resolution and the letter to the Minister to Wollstonecraft, Holtermann, Hayberry and Waverton Precincts.

The Recommendation was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

For: Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Councillor Gibson, Councillor Drummond

Absent: Councillor Carr

212. RESOLVED:

1. **THAT** Council write urgently to the Minister for Planning (copied to the relevant State and Federal local MPs) seeking immediate amendments to the final adopted 2036 Plan to return the maximum heights which were increased following community consultation and exhibition of the Draft 2036 Plan to the exhibited heights.
2. **THAT** the letter to the Minister include a submission prepared by Council's strategic planning staff, particularly with reference to the significant adverse amenity impacts of the proposed massive increase in heights along the western side of the Pacific Highway on eastern Wollstonecraft residents and properties.
3. **THAT** Council provide a copy of this resolution and the letter to the Minister to Wollstonecraft, Holtermann, Hayberry and Waverton Precincts.

9.5. Notice of Motion No. 18/20 - Crs Beregi, Baker and Carr - Expanded Hume Street Park – Stage 2

1. **THAT** Council prioritise Stage 2 of the Hume Street Park project including undertaking all necessary steps to obtain development consent for the Stage 2 works.

A Motion was moved by Councillor Baker, seconded by Councillor Beregi,

1. **THAT** Council prioritise Stage 2 of the Hume Street Park project including undertaking all necessary steps to obtain development consent for the Stage 2 works.
2. **THAT** Council seek funding for the preparation and lodgement of the Stage 2 Development Application from the State Government's SIC funds for Open Space under the 2036 Plan.

Adjournment

The Mayor adjourned the meeting at 10.06pm in accordance with clause 15.13 of the Code of Meeting Practice citing constant interruptions from Councillor Beregi and the recording was stopped.

The meeting recommenced at 10.11pm and the recording resumed.

A Motion was moved by Councillor Drummond and seconded by Councillor Barbour,

1. **THAT** in accordance with clause 10.25 of the Code of Meeting Practice, the Motion be now put.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

213. RESOLVED:

1. THAT in accordance with clause 10.25 of the Code of Meeting Practice, the Motion be now put.

The Motion moved by Councillor Baker and seconded by Councillor Beregi was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

For: Councillor Beregi, Councillor Baker

Against: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Absent: Councillor Carr

9.6. Notice of Motion No. 19/20 - Crs Beregi, Baker and Carr - Allocation of Federal Funding

1. THAT a report be prepared for the next Council meeting identifying all applications for federal funding that Council has made since January 2018.

2. THAT the report include how, where and why Council has allocated, and is allocating federal grants, to various projects and the methodology for doing so.

3. THAT the report include the criteria upon which the decisions have been made, who was consulted in relation to each decision and when the decisions were made.

The Recommendation was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

For: Councillor Beregi, Councillor Baker

Against: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Absent: Councillor Carr

9.7. Notice of Motion No. 20/20 - Crs Beregi, Baker and Carr - Legal Advice

1. THAT a report be prepared for the next Legal and Planning Committee meeting detailing all expenditure on legal advice, as opposed to expenditure on litigation.

The Recommendation was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

For: Councillor Beregi, Councillor Baker

Against: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Absent: Councillor Carr

9.8. Questions With Notice - Crs Beregi, Baker and Carr

A Motion was moved by Councillor Keen and seconded by Councillor Barbour,

1. THAT the Questions with Notice and responses thereto be noted and no further action is required.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

214. RESOLVED:

1. THAT the Questions with Notice and responses thereto be noted and no further action is required.

10. Confidential Matters

10.1. Seawall Restoration Works - Tender No. 12/2021

This Item was adopted By Exception (see page 6).

AUTHOR: Ashraf Doureih, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 12/2021 for Seawall Restoration Works.

Tenders were called and were received until 3pm, 7 October 2020 for the submission of tenders to undertake seawall restoration works.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret. of the Local Government Act (LGA).

Funding is available in the 2020/21 Delivery Program.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 12/2021 for Seawall Restoration Works for Sites 1, 2 and 3.
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
3. **THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
4. **THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

215. RESOLVED:

1. **THAT** Council accept the tender Shamrock Developments International Pty Ltd for Tender [2] for Contract 12/2021 for Seawall Restoration Works for Sites 1, 2 and 3.
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
3. **THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
4. **THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

10.2. End of Trip Facilities at North Sydney Council Chambers - Tender No. 13/2021

This Item was adopted By Exception (see page 6).

AUTHOR: Albert Lo, Manager Property Assets

This report is to provide Council with an analysis and recommendation of the tender process for Tender 13/2021 for End of Trip Facilities at North Sydney Council Chambers.

Tenders were called and were received until 3pm on 5 November 2020 for the submission of tenders to undertake *the End of Trip Facilities at North Sydney Council Chambers*.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

This project is funded from the 2020/2021 Property Capital Works Budget.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 13 / 2021 for *End of Trip Facilities at North Sydney Council Chambers*.
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

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

4. THAT the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

216. RESOLVED:

1. THAT Council accept the tender of ADR Group Pty Ltd for Tender No. 13/2021 for End of Trip Facilities at North Sydney Council Chambers.

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

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

4. THAT the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

10.3. Council Owned/Leased Properties - 1st Quarterly Property Portfolio Report 2020/2021 - July to September 2020

This Item was adopted By Exception (see page 6).

AUTHOR: Risha Joseph, Property Officer

The purpose of this report is to provide Council with information on Council's Property Portfolio for the quarter ending 30 September 2020.

This report provides Council with information on the Property Portfolio for the 1st Quarter 20/21 - 1 July 2020 to 30 September 2020. The report addresses the following matters:

- Consolidated summary of income received through the Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- COVID-19 Pandemic updates on Commercial & Outdoor Dining
- Implementation of Council's Policy D5-49, "Waiving Charges during COVID-19"
- Update on Council's Car Parking Stations
- Update on COVID-19 Hygiene Measures put in Place
- Major Property Projects (Maintenance and Capital works) for the quarter

Council's budgeted income from its entire Property Portfolio for 2020/21 was originally forecast at \$7,235,387. However due to COVID-19, the income forecast has been revised down to \$5,726,500.

The Year-to-Date total actual income for the 1st quarter of 20/21 which was received on a cash basis through Colliers International was \$1,371,591 as at 30 September 2020, which is \$249,557 less than the original forecast at \$1,621,148 for the quarter, 85% of the projected budgeted income for the quarter.

The Year-to-Date income which is received on an accrual basis is \$1,738,920 as at 30 September 2020.

Recommending:

1. THAT the Quarterly Property Portfolio Report for the 1st Quarter of 20/21 (July to September 2020), be received.

The Recommendation was moved by Councillor Baker and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr and Councillor Gunning

217. RESOLVED:

1. THAT the Quarterly Property Portfolio Report for the 1st Quarter of 2020/21 (July to September 2020) be received.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

10.4. North Sydney Community Awards 2021

(This Item was deferred for consideration at the end of the meeting in Closed Session)

AUTHOR: Jess Gledhill, Arts & Cultural Programs Officer

To recommend Award Recipients for the North Sydney Community Awards 2021.

North Sydney Council's Community Awards will be held on Friday 22 January 2021. The awards will be presented by the Mayor, Jilly Gibson. The Awards form part of the Australia Day Council of NSW awards program administered by local government.

Recommending:

1. THAT Council supports the selection of five North Sydney Community Award Winners – Citizen of the Year, Environmental Citizen of the Year, Young Citizen of the Year, Young Environmental Citizen of the Year and Community Group or Event of the Year.

10.5. Noakes Boatyard - 6 John Street, McMahons Point

(This Item was deferred for consideration at the end of the meeting in Closed Session)

AUTHOR: Craig Winn, Solicitor

To provide a further update on legal, planning and compliance matters relating to Noakes Boatyard at 6 John Street, McMahons Point.

The associated Confidential Report to this item addresses advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. If the Committee wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(g) of the Local Government Act (LGA).

Nil.

Recommending:

1. **THAT** the meeting be closed to the public in accordance with Section 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

10.6. Primrose Park Tennis Court Options

(This Item was deferred for consideration at the end of the meeting in Closed Session)

AUTHOR: Duncan Mitchell, Director Engineering and Property Services

This report is in response to the resolution of Council in relation to the Mayoral Minute MM04 *Federal Government Serves Up an Ace for Primrose Park Tennis Courts* (Item 6.4) at its meeting held on 26 October 2020.

At the 3737th meeting of Council held on 26 October 2020; it was resolved by Council to proceed with the Mayoral Minute MM04, *Federal Government Serves Up an Ace for Primrose Park Tennis Courts*.

At the meeting Council resolved:

1. **THAT** Council write to the Federal Member for North Sydney, Mr Trent Zimmerman MP, thanking him for his support of the North Sydney community.

2. **THAT** Council give in principle support to allocating the grant funding to the Primrose Park Tennis Courts upgrade subject to the project meeting the criteria for the funding program.

3. **THAT** Council staff prepare a report for the November Council Meeting on whether the specifications of the project could be adjusted to meet the level of funding available.

Council had also passed a resolution at the 28 September 2020 meeting on MM03 Primrose Park Tennis Courts to bring a report back to Council on the settlement issues at the Primrose Park Tennis Courts and a cost estimate to renew the courts. In addition, the resolution of Council also called for a report that explored options for providing tennis court facilities at Primrose Park as well as other sports that can use a multipurpose facility. The resolution also called for staff to apply for external grant funding from both State and Federal funding programs.

The resolution of Council at its 26 October 2020 meeting now supersedes the 28 September 2020 resolution of Council and therefore this report only addresses the resolution for Mayoral Minute MM04 Item 6.4 *Federal Government Serves Up an Ace for Primrose Park Tennis Courts*.

This report outlines to Council, three (3) different options on the concrete slab treatments for the upgrade of the Primrose Park Tennis Courts to meet the funding that has been made available through the Federal Government's Local Road and Community Infrastructure Program - Round 2. The report also outlines to Council three (3) different surface treatments for the tennis courts, each of which have different qualities and cost implications for the project. This report is recommending that Council proceeds to Public Open Tender on Option 2 and Option 3 for the concrete slab treatments for the tennis courts as separable portions. The report is also recommending that the three (3) different surface treatments for the tennis courts also be put out in the same tender as separable portions so that tenderers can provide Council with a competitive market price on both concrete slab options and the surface treatment options.

The different specifications that tenderers will be asked to price are only associated with the existing concrete slab treatments and the options for the different tennis court surface treatments which include “Synthetic Grass”, “Plexi-pave” and/or “Plexi-cushion” treatments. All other associated design elements and scope of works proposed for the upgrade of the internal and external facilities remain the same for all options.

It is also being recommended that a Councillor Briefing be held before a tender report on the project is brought back to Council to award a contract. The purpose of the Councillor Briefing is to advise Council on the outcomes of the tender submissions that were received on the separable portions of the tender.

The works for each of the options outlined in this report are proposed to be funded through the Federal Governments Local Road and Community Infrastructure Program - Round 2 and Council’s own Property capital works program. The confidential Report (see Item 10.6 on the Confidential section) on this project outlines in detail the total project cost estimate and the cost implications for each option as outlined in Table 1 of this report.

Recommending:

1. THAT Council resolves to go to tender on the concrete slab treatments for Options 2 and 3 as outlined in Table 1 of this report and also go to tender on the three (3) different tennis court surface treatments as outlined in Table 2 of this report.

2. THAT a Councillor Briefing be held before a tender report on the project is brought back to Council to award a contract.

10.7. Warringah Freeway Upgrade TfNSW Compulsory Acquisitions - Council's Parks and Reserves

(This Item was deferred for consideration at the end of the meeting in Closed Session)

AUTHOR: Duncan Mitchell, Director Engineering & Property Services

The purpose of this report is to inform Council of correspondence received from Transport for NSW (TfNSW) foreshadowing the issuing of a Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade.

On 13 November 2020, North Sydney Council received two letters from TfNSW in relation to the issuing of a Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade. Both letters relate to TfNSW intent to utilise Council’s land for the purposes of undertaking the Warringah Freeway upgrade.

Council is seeking compensation from TfNSW under the “Land Acquisition (Just Terms Compensation) Act 1991” for the proposed acquisition of these four (4) sites for the purposes of undertaking the Warringah Freeway upgrade.

This report is confidential in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

Nil.

Recommending:

1. THAT the meeting be closed to the public in accordance with Section 10A(2) (d).

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

Closed Session

It was moved by Councillor Barbour and seconded by Councillor Drummond and **carried**,

1. THAT the meeting be closed to the public to discuss the following matters for the reasons identified:

Item 10.4 North Sydney Community Awards 2021

Reason: Section 10A(2)(a) of the *Local Government Act 1993*:

- 10A(2)(a) – personnel matters concerning particular individuals (other than councillors).

Item 10.5 Noakes Boatyard - 6 John Street, McMahons Point

Reason: Section 10A(2)(g) of the *Local Government Act 1993*:

- 10A(2)(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Item 10.6 Primrose Park Tennis Court Options

Reason: Section 10A(2)(d) of the *Local Government Act 1993*:

- 10A(2)(d) – commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

Item 10.7 Warringah Freeway Upgrade TfNSW Compulsory Acquisitions – Council’s Parks and Reserves

Reason: Section 10A(2)(d) of the *Local Government Act 1993*:

- 10A(2)(d) – commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

Public Interest

These matters are classified as confidential as they contain: information regarding personnel matters concerning particular individuals (other than councillors); advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege; and commercial information. On balance, the public interest in preserving the confidentiality of this information outweighs the public interest in openness and transparency in Council decision making by discussing these matters in Open Council.

The recording was stopped and the meeting recommenced in Closed Session at 10.17pm.

Open Session

The meeting was re-opened to the public at 10.52pm and the recording resumed.

The General Manager advised that during the Closed Session, Council had resolved as follows:

10.4 North Sydney Community Awards 2021

218. RESOLVED:

- 1. THAT** Council supports the selection of six North Sydney Community Award Winners – Citizen of the Year (2 recipients), Environmental Citizen of the Year, Young Citizen of the Year, Young Environmental Citizen of the Year and Community Group or Event of the Year.
- 2. THAT** the identities of the award recipients be treated as confidential until announced by the Mayor at the awards ceremony.

10.5 Noakes Boatyard - 6 John Street, McMahons Point

219. RESOLVED:

- 1. THAT** Council authorises the General Manager to negotiate and agree to minor changes or amendments to the Deed of Settlement.
- 2. THAT** Council authorises the General Manager to execute the Deed of Settlement.
- 3. THAT** Council notes the Deed of Settlement may be provided to residents, interested parties or complainants, upon request and subsequent to execution by the General Manager.
- 4. THAT** Council notes that if the Deed of Agreement is not agreed between the parties, the s34 Conciliation Conference will likely be terminated and the Proceedings will thereafter be listed for defended hearing.
- 5. THAT** the Confidential Report relating to matters specified in Sections 10A(2)(g) be treated as confidential and remain confidential until Council determines otherwise.

10.6 Primrose Park Tennis Court Options

220. RESOLVED:

- 1. THAT** Council resolves to go to tender on the concrete slab treatments for Options 2 and 3 as outlined in Table 1 of this report and also go to tender on the three (3) different tennis court surface treatments as outlined in Table 2 of this report.
- 2. THAT** a Councillor Briefing be held before a tender report on the project is brought back to Council to award a contract.

3. THAT the Confidential Report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

10.7 Warringah Freeway Upgrade TfNSW Compulsory Acquisitions – Council’s Parks and Reserves

221. RESOLVED:

1. THAT Council notes the letters received from TfNSW on 13 November 2020 in relation to the Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade.

2. THAT Council notes that legal advice is currently being sought on the right to compensation to Council from TfNSW under the “Land Acquisition (Just Terms Compensation) Act 1991” for the proposed acquisition of these four (4) sites for the purposes of undertaking the Warringah Freeway upgrade.

3. THAT Council notes that a further report will be brought back to Council on this matter as soon as the legal advice is received.

4. THAT Council enter into an Interface Agreement with TfNSW as soon as possible to ensure that there is clarity and a strong framework around how Council’s Assets both Infrastructure and Public Open Space are returned to Council at the end of the Warringah Freeway upgrade project.

5. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

6. THAT a public report be prepared for distribution outlining the loss of public open space.

Thank You to Staff

A Motion was moved by Councillor Baker, seconded by Councillor Gibson,

THAT Council note their thanks and appreciation to Council staff for their continued commitment to serving our community and maintaining excellent performance and standards throughout 2020.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: Nil

Absent: Councillor Carr

222. RESOLVED:

THAT Council note their thanks and appreciation to Council staff for their continued commitment to serving our community and maintaining excellent performance and standards throughout 2020.

Councillor Beregi sought to raise an issue for consideration as a Matter of Urgency. The Mayor ruled that the Item was not urgent.

11. Closure

The Meeting concluded at 10.56pm.