



## MINUTES

The Minutes of the 3741<sup>st</sup> **MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street North Sydney, at 7:30pm on 22 February 2021.



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## **1. Opening Meeting**

The Mayor, Jilly Gibson, in the Chair, and Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton.

At the commencement of business (7.35 pm) those present were:

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

Those participating remotely were:

Councillors Baker, Beregi, Carr, Gunning.

The meeting was opened by the Mayor.

## **2. Acknowledgement of Country**

The Acknowledgement of Country was read by Councillor Brodie.

## **3. Apologies and Applications for Leave of Absence by Councillors**

## **4. Confirmation of Minutes**

The Minutes of the previous 3740<sup>th</sup> Council Meeting held on Monday, 21 December 2020, copies of which had been previously circulated, were taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Beregi

**Absent:** nil

## **1. RESOLVED:**

**THAT** the Minutes of the previous 3740<sup>th</sup> Council Meeting held on Monday, 21 December 2020, copies of which had been previously circulated, were taken as read and confirmed.

## **5. Disclosures of Interest**

Re Item 8.2	Planning Proposal 2/19 – Alfred Street Precinct (263-283 Alfred Street North & 4 Little Alfred Street, North Sydney) – Submission to Public Exhibition
Councillor Barbour	Councillor Barbour sat on the assessment panel and therefore had a non-pecuniary but significant interest.
Re Item 8.2	Planning Proposal 2/19 – Alfred Street Precinct (263-283 Alfred Street North & 4 Little Alfred Street, North Sydney) – Submission to Public Exhibition
Councillor Brodie	Councillor Brodie as a resident in the local area declared a non-pecuniary and non-significant interest
Re Item 8.3	Planning Proposal PP2/20 - 1A Little Alfred Street, North Sydney
Councillor Brodie	Councillor Brodie as a resident in the local area declared a non-pecuniary and non-significant interest.
Re Item 8.11	Neutral Bay Club/Ilbery Park Land Swap Lease Proposal
Councillor Keen	Councillor Keen declared having previous involvement with the club resulting in a non-pecuniary and non-significant interest.
Re Item 8.15	Sculpture@Sawmillers Exhibition
Councillor Baker	Councillor Baker declared having a close relationship with Elsa Atkins resulting in a non-pecuniary but significant interest.

## **6. Mayoral Minutes**

### **6.1. MM01 - Managing Blues Point Reserve**

The view of Sydney Harbour from Blues Point Reserve is arguably the best harbour view in Sydney. I'm fairly sure I'm not the only person to hold this opinion - a few weeks ago someone used the reserve without Council's permission for a wedding, which placed the bride and groom in front of a panorama that included the Bridge and Opera House.

In the normal course of events this wouldn't warrant a Mayoral Minute, but in this case the happy couple erected two marquees, a wedding arch and 50 chairs to support the event. Council doesn't permit marquees in our parks for private events, as they can damage the grass and our watering systems, so this guerrilla take-over of our park was cheeky and potentially costly to Council.

I've noticed an increase in the commercial use of our parks over the past couple of years. Some, like pop up picnic tables with champagne and flowers brought in to create a romantic place for a proposal or to celebrate an anniversary, just add to the atmosphere in the reserve.

But larger events that annex the space from public use and increase wear and tear on the park, need to be controlled. This will be especially important in the coming few years as areas of open space are taken over by the NSW Government for the construction of the Western Harbour Tunnel and Warringah Freeway upgrade.

Blues Point Reserve is under extra pressure at present because the centre of the park is taken up with a work compound for the NSW Government infrastructure works. A large work compound is also taking up the centre of Bradfield Park while Harbour Bridge works are undertaken. The temporary loss of these large areas of open space is having a flow on effect to other foreshore areas such as Quibaree Park and Cremorne Point Reserve.

North Sydney is blessed with numerous parks and reserves along the harbour edge and we want to share them with others. Sydney Harbour belongs to everyone who lives in our city, not just those fortunate enough to live nearby.

But we need to be extra vigilant during this busy construction period to ensure that our parks are well managed and available for everyone to use. I'm sure there are many things we can do. For example, we could review signage and install one sign, preferably an illuminated one, that makes it clear what is and isn't permissible in the park or reserve. We could potentially increase ranger surveillance of popular parks so we can keep a closer eye on how they are being used.

**I therefore recommend:**

**1. THAT** the Director of Open Space and Environmental Services prepare a report for Council outlining options to manage Blues Point Reserve and other foreshore parks to ensure they are available for everyone to use. **2. THAT** the report include options for improving signage within the parks if needed

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Mutton

**Absent:** nil

**2. RESOLVED:**

**1. THAT** the Director of Open Space and Environmental Services prepare a report for Council outlining options to manage Blues Point Reserve and other foreshore parks to ensure they are available for everyone to use.

**2. THAT** the report include options for improving signage within the parks if needed.

## 6.2. MM02: Toilet at Hayes Beach

In February 2018, I prepared a Mayoral Minute recommending a number of actions that would reclaim Hayes Street Beach in Neutral Bay as a swimming beach. These included removing the watercraft abandoned or stored haphazardly on the beach, engaging with the community to find alternative storage options and increasing the frequency of beach cleaning.

I am pleased to say that three years on we have achieved what we set out to do. A shared kayak scheme, initiated by Ms Loretta Moy and run by the local community, now operates from the beach, which is well used for swimming, relaxing by the water and launching small watercraft. When I visited mid-afternoon on 25 January, a warm day with temperatures over 30°C, I counted 193 people either on the sand or in the water.

Unfortunately, the Thelma and Louise café is an unintended victim of our success. With no public toilets near the beach, the café receives between 30 and 50 requests a day from swimmers and kayakers asking to use their toilet, which of course the cafe must clean and maintain.

When we first became aware of this problem, the Director of Open Space explored options for installing public toilets nearby. Two options were possible - installing a toilet block on the public land across the road or seeking permission to build one in the heritage structure near the wharf.

Installing our own toilet block was deemed not suitable, as the only appropriate location would have been directly adjacent to private property. Instead, we opened negotiations with Transport for NSW (TfNSW) who own the heritage structure to see whether we could build a toilet within the building.

The structure currently contains a toilet for use by bus drivers, which could not be opened to the general public. On 15 February 2021, I had a fruitful discussion with staff at TfNSW who indicated their support for an additional toilet being construction into the building at Council's cost. I would like to acknowledge the efforts made by the Member for North Shore, Ms Felicity Wilson, and her staff, who have advocated strongly on our behalf to open the door for discussions.

This is an outstanding solution as it reduces the pressure on Thelma and Louise, does not require adding another structure in the limited open space, does not impact neighbouring properties and does not change the aesthetic values of the area. If Council moves quickly on this matter, we could have new toilets in place before the swimming season next summer.

### **I therefore recommend:**

**1. THAT** Council writes to the Member for North Shore, Ms Felicity Wilson, thanking her for advocating strongly on our behalf with TfNSW.

**2. THAT** the Director of Open Space and Environmental Services prepares a report for the March meeting of Council outlining the approximate cost of the project, the timeline and process for progressing the work, and the possibility of funding and completing the project in the first quarter of the 2021/2022 financial year so that the new toilet is available for the busy Summer swimming and kayaking season.

**3.THAT** Council writes to Loretta Moy, President of the Kayak Share Club, thanking her for her sustained lobbying for this facility.

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

### **3. RESOLVED:**

**1. THAT** Council writes to the Member for North Shore, Ms Felicity Wilson, thanking her for advocating strongly on our behalf with TfNSW.

**2. THAT** the Director of Open Space and Environmental Services prepares a report for the March meeting of Council outlining the approximate cost of the project, the timeline and process for progressing the work, and the possibility of funding and completing the project in the first quarter of the 2021/2022 financial year so that the new toilet is available for the busy Summer swimming and kayaking season.

**3. THAT** Council writes to Loretta Moy, President of the Kayak Share Club, thanking her for her sustained lobbying for this facility.

### **Items to be Considered By Exception**

It was moved by Councillor Baker and seconded by Councillor Barbour that the following items: 7.1, 8.12, 8.13,8.14, 8.16, 8.17, 8.18, 10.1 and 10.2; recommendations be adopted.

The General Manager confirmed with Councillors that, in moving Items 10.1 and 10.2 by exception, Council was adopting the recommendations in the Confidential reports.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

### **4. RESOLVED:**

**1.THAT** the following items: 7.1, 8.12, 8.13,8.14, 8.16, 8.17, 8.18, 10.1 and 10.2; recommendations be adopted.

## **7. Reports of Committees**



## 7.1. Waverton Peninsula Working Group - Minutes 24 November 2020

**AUTHOR:** Peita Rose, Governance Officer

This report presents the Minutes of the last meeting of the Waverton Peninsula Working Group held on 24 November 2020.

The Minutes of the Waverton Peninsula Working Group are attached for information.

**RECOMMENDATION:**

1. **THAT** Council receives the Minutes of the Waverton Peninsula Working Group held on 24 November 2020.

2. **THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 24 November 2020, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**5. RESOLVED:**

**THAT** Council receives the Minutes of the Waverton Peninsula Working Group held on 24 November 2020.

**THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 24 November 2020, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

## 7.2. Traffic Committee Minutes - 27 November 2020

**AUTHOR:** Peita Rose, Governance Officer

To consider and adopt the Minutes of this Committee, in accordance with Council's past practice.

This report presents the recommendations of the last meeting of the Traffic Committee held on 27 November 2020 for Council adoption. The minutes are attached for information.

**RECOMMENDATION:**

1. **THAT** Council progress as soon as possible the construction of a footpath in the northern section of Moodie Street and offset some of the parking loss by converting the parallel parking in the central section of Moodie Street to angle parking. (4.3)

2. **THAT** Council proceed with community consultation as soon as practicable. (4.3)

3. **THAT** a report be submitted to the next Traffic Committee on the design and estimated cost of this work. (4.3)
4. **THAT** Council acknowledges the concerns raised by local residents with regard to pedestrians and traffic in Moodie Street. (4.3)
5. **THAT** Council change the one (1) existing “1/2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1” parking space fronting property No. 19 Bray Street, North Sydney, to “2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
6. **THAT** Council remove the ‘mobility permit’ limitation from the opening sign for the two (2) parking spaces fronting property no. 62 Clark Road, North Sydney, to match the closing sign “2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
7. **THAT** Council change the six (6) existing “2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1” parking spaces between property no. 1 and 4 Margaret Street, North Sydney, on the southern side of Margaret Street Reserve, to “1/2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
8. **THAT** Council change the three (3) unrestricted parking spaces in Margaret Street at the south eastern boundary of no. 32 Whaling Road, North Sydney, to “4 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
9. **THAT** Council notify the residents before installing the parking restriction changes in North Sydney and Neutral Bay Parking Area 1. (4.5)
10. **THAT** Parking changes be implemented under delegation to the Manager Traffic & Transport Operations prior to Christmas 2020. (4.5)
11. **THAT** the new parking restrictions be reviewed six (6) months after the date of installation in North Sydney and Neutral Bay Parking Area 1. (4.5)
12. **THAT** the parking restrictions installed in Resident Parking Area 2 - Kirribilli that were completed on 17 June 2020 remain. (4.10)
13. **THAT** Council install No Stopping signs on the south-western side of Gerard Lane between the driveway of H/No.81 Gerard Lane and the 90-degree bend. (4.13)
14. **THAT** Council notify the affected residents prior to the installation of No Stopping signs in Gerard Lane. (4.13)
15. **THAT** Council trim any trees inhibiting safe pedestrian access. (4.13)
16. **THAT** it be noted the TfNSW representative provided a report to the Committee on the accident at this location. (5.2)
17. **THAT** Council retain the existing parking restrictions for Waverton & Wollstonecraft Parking Area 11 and that it be received. (4.4)
18. **THAT** the existing 3 unrestricted parking spaces in front of H.No.84 Milray Avenue, Wollstonecraft be converted back to “4P 8:30am-6pm Mon-Fri, Permit Holders Excepted Area 15”. (4.6)
19. **THAT** the existing 2 unrestricted parking spaces in front of H.No.20 Milray Avenue, Wollstonecraft be converted to “4P 8:30am-6pm Mon-Fri, Permit Holders Excepted Area 15”. (4.6)
20. **THAT** “No Parking 6:00am – 10:00am Fridays” (waste collection days only) be installed on the southern side of Bariston Avenue between HNo.1 Bariston Avenue and HNo.60 Macpherson Street. (4.7)
21. **THAT** “No Parking 6:00am – 10:00am Tuesdays” (waste collection days only) be installed on the eastern side of Wallaringa Ave (outside 2B Wallaringa Ave), Kurraba Point. (4.7)
22. **THAT** the affected residents be notified prior to the implementation of the above parking changes. (4.7)

23. **THAT** due to objections from affect residents, the proposed parking restrictions on waste collection days do not proceed in Ellalong Road, Davidson Parade and MacArthur Avenue. (4.7)
24. **THAT** these arrangements be reviewed in 6 months' time and reported back the Committee. (4.7)
25. **THAT** Council install the proposed raised pedestrian crossing on Rangers Road at Military Road in accordance with Design Plan 1. (4.8)
26. **THAT** Council install the proposed kerb extensions and continuous footpath treatments along Military Road at Holt Avenue, Spencer Road and Cabramatta Road in accordance with Design Plans 2A, 3A and 4A. (4.8)
27. **THAT** Council install the proposed pedestrian crossing at Macpherson Street at Military Road in accordance with Design Plan 5. (4.8)
28. **THAT** subject to no objection from the Traffic Committee, the above pedestrian facilities are approved under delegated authority of Council's Manager Traffic & Transport Operations. (4.8)
29. **THAT** the 'Loading Zone 5am-7am Monday to Saturday' in front of 11-17 Broughton Street, Kirribilli be retained. (4.9)
30. **THAT** the parking restrictions installed in Resident Parking Area 26 - Cremorne that were completed on 18 March 2020 remain. (4.11)
31. **THAT** Council convert the parking space on Crescent Place between the garages of 74 and 76 Carabella Street to "No Parking", but that this be reviewed on a yearly basis.(4.12)
32. **THAT** no extra signage be installed and the existing 'No Parking (L)' sign outside 76 Carabella Street be relocated to the power pole outside 74 Carabella Street to cover this location. (4.12)
33. **THAT** the existing parking arrangement in Vernon Street, Cammeray remains unchanged. (4.14)
34. **THAT** Council Rangers continue to patrol and enforce boat trailers parking in Vernon Street, Cammeray. (4.14)
35. **THAT** it be noted the Committee has responded and found a solution to concerns from residents in Moodie St (Item 4.3) and recommendations for pedestrian improvements along Military Road (Item 4.8) (5.3)
36. **THAT** the proposed North Sydney Traffic Committee meeting dates for 2021 be received, with an amendment that the 3 September meeting be held prior to pre polling for the Local Government elections. (5.4)
37. **THAT** Council convert the parking space on Crescent Place between the garages of 74 and 76 Carabella Street to "No Parking", but that this be reviewed on a yearly basis. (4.12)
38. **THAT** no extra signage be installed and the existing 'No Parking (L)' sign outside 76 Carabella Street be relocated to the power pole outside 74 Carabella Street to cover this location, and the changes be implemented under delegated authority to the Manager Traffic and Transport Operations prior to Christmas 2020. (4.12)
- The Recommendation was moved by Councillor Baker and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Carr

**Absent:** nil

**6. RESOLVED:**

1. **THAT** Council progress as soon as possible the construction of a footpath in the northern section of Moodie Street and offset some of the parking loss by converting the parallel parking in the central section of Moodie Street to angle parking. (4.3)
2. **THAT** Council proceed with community consultation as soon as practicable. (4.3)
3. **THAT** a report be submitted to the next Traffic Committee on the design and estimated cost of this work. (4.3)
4. **THAT** Council acknowledges the concerns raised by local residents with regard to pedestrians and traffic in Moodie Street. (4.3)
5. **THAT** Council change the one (1) existing “1/2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1” parking space fronting property No. 19 Bray Street, North Sydney, to “2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
6. **THAT** Council remove the ‘mobility permit’ limitation from the opening sign for the two (2) parking spaces fronting property no. 62 Clark Road, North Sydney, to match the closing sign “2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
7. **THAT** Council change the six (6) existing “2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1” parking spaces between property no. 1 and 4 Margaret Street, North Sydney, on the southern side of Margaret Street Reserve, to “1/2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
8. **THAT** Council change the three (3) unrestricted parking spaces in Margaret Street at the south eastern boundary of no. 32 Whaling Road, North Sydney, to “4 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 1”. (4.5)
9. **THAT** Council notify the residents before installing the parking restriction changes in North Sydney and Neutral Bay Parking Area 1. (4.5)
10. **THAT** Parking changes be implemented under delegation to the Manager Traffic & Transport Operations prior to Christmas 2020. (4.5)
11. **THAT** the new parking restrictions be reviewed six (6) months after the date of installation in North Sydney and Neutral Bay Parking Area 1. (4.5)
12. **THAT** the parking restrictions installed in Resident Parking Area 2 - Kirribilli that were completed on 17 June 2020 remain. (4.10)
13. **THAT** Council install No Stopping signs on the south-western side of Gerard Lane between the driveway of H/No.81 Gerard Lane and the 90-degree bend. (4.13)
14. **THAT** Council notify the affected residents prior to the installation of No Stopping signs in Gerard Lane. (4.13)
15. **THAT** Council trim any trees inhibiting safe pedestrian access. (4.13)
16. **THAT** it be noted the TfNSW representative provided a report to the Committee on the accident at this location. (5.2)
17. **THAT** Council retain the existing parking restrictions for Waverton & Wollstonecraft Parking Area 11 and that it be received. (4.4)
18. **THAT** the existing 3 unrestricted parking spaces in front of H.No.84 Milray Avenue, Wollstonecraft be converted back to “4P 8:30am-6pm Mon-Fri, Permit Holders Excepted Area 15”. (4.6)
19. **THAT** the existing 2 unrestricted parking spaces in front of H.No.20 Milray Avenue, Wollstonecraft be converted to “4P 8:30am-6pm Mon-Fri, Permit Holders Excepted Area 15”. (4.6)

20. **THAT** “No Parking 6:00am – 10:00am Fridays” (waste collection days only) be installed on the southern side of Bariston Avenue between HNo.1 Bariston Avenue and HNo.60 Macpherson Street. (4.7)
21. **THAT** “No Parking 6:00am – 10:00am Tuesdays” (waste collection days only) be installed on the eastern side of Wallaringa Ave (outside 2B Wallaringa Ave), Kurraba Point. (4.7)
22. **THAT** the affected residents be notified prior to the implementation of the above parking changes. (4.7)
23. **THAT** due to objections from affect residents, the proposed parking restrictions on waste collection days do not proceed in Ellalong Road, Davidson Parade and MacArthur Avenue. (4.7)
24. **THAT** these arrangements be reviewed in 6 months’ time and reported back the Committee. (4.7)
25. **THAT** Council install the proposed raised pedestrian crossing on Rangers Road at Military Road in accordance with Design Plan 1. (4.8)
26. **THAT** Council install the proposed kerb extensions and continuous footpath treatments along Military Road at Holt Avenue, Spencer Road and Cabramatta Road in accordance with Design Plans 2A, 3A and 4A. (4.8)
27. **THAT** Council install the proposed pedestrian crossing at Macpherson Street at Military Road in accordance with Design Plan 5. (4.8)
28. **THAT** subject to no objection from the Traffic Committee, the above pedestrian facilities are approved under delegated authority of Council’s Manager Traffic & Transport Operations. (4.8)
29. **THAT** the ‘Loading Zone 5am-7am Monday to Saturday’ in front of 11-17 Broughton Street, Kirribilli be retained. (4.9)
30. **THAT** the parking restrictions installed in Resident Parking Area 26 - Cremorne that were completed on 18 March 2020 remain. (4.11)
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32. **THAT** no extra signage be installed and the existing ‘No Parking (L)’ sign outside 76 Carabella Street be relocated to the power pole outside 74 Carabella Street to cover this location. (4.12)
33. **THAT** the existing parking arrangement in Vernon Street, Cammeray remains unchanged. (4.14)
34. **THAT** Council Rangers continue to patrol and enforce boat trailers parking in Vernon Street, Cammeray. (4.14)
35. **THAT** it be noted the Committee has responded and found a solution to concerns from residents in Moodie St (Item 4.3) and recommendations for pedestrian improvements along Military Road (Item 4.8) (5.3)
36. **THAT** the proposed North Sydney Traffic Committee meeting dates for 2021 be received, with an amendment that the 3 September meeting be held prior to pre polling for the Local Government elections. (5.4)
37. **THAT** Council convert the parking space on Crescent Place between the garages of 74 and 76 Carabella Street to “No Parking”, but that this be reviewed on a yearly basis. (4.12)
38. **THAT** no extra signage be installed and the existing ‘No Parking (L)’ sign outside 76 Carabella Street be relocated to the power pole outside 74 Carabella Street to cover this location, and the changes be implemented under delegated authority to the Manager Traffic and Transport Operations prior to Christmas 2020. (4.12)

### **7.3. Traffic Committee Minutes - 5 February 2021**

**AUTHOR:** Peita Rose, Governance Officer

To consider and adopt the Minutes of this Committee, in accordance with Council's past practice.

This report presents the recommendations of the last meeting of the Traffic Committee held on 5 February 2021 for Council adoption. The minutes are attached for information.

**RECOMMENDATION:**

- 1. THAT** Council consults with the affected community with regard to the speed cushion traffic calming scheme for Blues Point Road between Princes Street and Blues Point Reserve as shown in the attached plans. (4.3)
- 2. THAT** Council request police enforcement of excessive noise from vehicles, illegal parking and street racing as raised by local residents, particularly on Friday and Saturday evenings between 9pm and 4am. (4.3)
- 3. THAT** Council request TfNSW install a speed camera in Blues Point Road between East Crescent Street and Blues Point Reserve. (4.3)
- 4. THAT** the traffic calming proposal be included in any funding applications for the McMahons Point (Blues Point Road) Public Domain Upgrade Masterplan and vice versa. (4.3)
- 5. THAT** a site inspection be held ASAP with the Mayor, Councillor Keen, the Director Open Space and Environmental Services and Manager Traffic & Parking to determine:
  - a) where new line marking can be painted to clearly delineate legal parking spaces eastern side of Blues Point Road;
  - b) how signage can be made more effective and efficient;
  - c) where extra lighting can be installed.
  - d) where short term parking can be provided (4.3)
- 6. THAT** the Committee give in principle approval for CCTV on Blues Point Road and report to next Traffic Committee on how these measures can proceed. (4.3)
- 7. THAT** the Item 4.6 be deferred for a site meeting commencing at 8.30am and a further report be submitted to the next Traffic Committee meeting. (4.6)
- 8. THAT** the Item 4.8 be deferred for a report on a proposal for a broken line on Carabella St and options for an extra parking space in the vicinity to offset the loss of a spot be submitted to the Traffic Committee. (4.8)
- 9. THAT** the Traffic Committee acknowledge the possible discrepancies in parking entitlements between apartment dwellings and free-standing dwellings. (MOU)
- 10. THAT** the Committee note that the Mayor will present a Mayoral Minute to the 22/2 Council meeting to amend the Resident Parking Policy to ensure that 4-bedroom apartments have the same entitlements as 4 bedroom houses. (MOU)
- 11. THAT** in respect of Item 4.2.1, Traffic staff investigate if there is anywhere else the motorbike parking can be located in the vicinity without losing an existing parking spot. (4.2)
- 12. THAT** residents of Moodie Street be consulted on the proposed footpath and parking re-arrangement and the result of this consultation be reported to the next available Traffic Committee. (4.4)
- 13. THAT** it be noted that the Moodie Street footpath and parking re-arrangement is a medium-term priority in the LATM Action Plan Zone 2 and funding allocations for 2021/22 will be determined based on funding availability and respective priorities of projects within the 7 LATM Zones. (4.4)
- 14. THAT** before the proposal for a refuge island and kerb build outs in Russell Street at River Road proceeds confirmation be provided to the Committee that appropriate vegetation will be used rather than concrete, and the advance warning signs requested by TfNSW be included,

and turn paths for the design vehicle be provided to TfNSW to verify safe turning movements can be achieved. (4.5)

**15. THAT** Council, as part of the 2020/21 Black Spot Program, convert the existing marked foot crossing on Lavender Street at Walker Street to a raised pedestrian crossing as shown on the attached plan, after the affected properties are notified by letterbox delivery. (4.7)

**16. THAT** this Item 4.9 be deferred to the next meeting to allow further discussions with residents in Baden Road. (4.9)

**17. THAT** the Manager Traffic & Transport Operations investigate installation of a “give way to pedestrian” sign at the intersection of Barry Lane/Yeo St Neutral Bay. (GB)

**18.. THAT** the existing stop sign and line painting at the intersection of Barry Lane/Yeo St Neutral Bay be rectified. (GB)

## **7. RESOLVED:**

**1. THAT** Council consults with the affected community with regard to the speed cushion traffic calming scheme for Blues Point Road between Princes Street and Blues Point Reserve as shown in the attached plans. (4.3)

**2. THAT** Council request police enforcement of excessive noise from vehicles, illegal parking and street racing as raised by local residents, particularly on Friday and Saturday evenings between 9pm and 4am. (4.3)

**3. THAT** Council request TfNSW install a speed camera in Blues Point Road between East Crescent Street and Blues Point Reserve. (4.3)

**4. THAT** the traffic calming proposal be included in any funding applications for the McMahons Point (Blues Point Road) Public Domain Upgrade Masterplan and vice versa. (4.3)

**5. THAT** a site inspection be held ASAP with the Mayor, Councillor Keen, the Director Open Space and Environmental Services and Manager Traffic & Parking to determine:

a) where new line marking can be painted to clearly delineate legal parking spaces eastern side of Blues Point Road;

b) how signage can be made more effective and efficient;

c) where extra lighting can be installed.

d) where short term parking can be provided (4.3)

**6. THAT** the Committee give in principle approval for CCTV on Blues Point Road and report to next Traffic Committee on how these measures can proceed. (4.3)

**7. THAT** the Item 4.6 be deferred for a site meeting commencing at 8.30am and a further report be submitted to the next Traffic Committee meeting. (4.6)

**8. THAT** the Item 4.8 be deferred for a report on a proposal for a broken line on Carabella St and options for an extra parking space in the vicinity to offset the loss of a spot be submitted to the Traffic Committee. (4.8)

**9. THAT** the Traffic Committee acknowledge the possible discrepancies in parking entitlements between apartment dwellings and free-standing dwellings. (MOU)

**10. THAT** the Committee note that the Mayor will present a Mayoral Minute to the 22/2 Council meeting to amend the Resident Parking Policy to ensure that 4-bedroom apartments have the same entitlements as 4 bedroom houses. (MOU)

**11. THAT** in respect of Item 4.2.1, Traffic staff investigate if there is anywhere else the motorbike parking can be located in the vicinity without losing an existing parking spot. (4.2)

**12. THAT** residents of Moodie Street be consulted on the proposed footpath and parking re-arrangement and the result of this consultation be reported to the next available Traffic Committee. (4.4)

**13. THAT** it be noted that the Moodie Street footpath and parking re-arrangement is a medium-term priority in the LATM Action Plan Zone 2 and funding allocations for 2021/22 will be

determined based on funding availability and respective priorities of projects within the 7 LATM Zones. (4.4)

**14. THAT** before the proposal for a refuge island and kerb build outs in Russell Street at River Road proceeds confirmation be provided to the Committee that appropriate vegetation will be used rather than concrete, and the advance warning signs requested by TfNSW be included, and turn paths for the design vehicle be provided to TfNSW to verify safe turning movements can be achieved. (4.5)

**15. THAT** Council, as part of the 2020/21 Black Spot Program, convert the existing marked foot crossing on Lavender Street at Walker Street to a raised pedestrian crossing as shown on the attached plan, after the affected properties are notified by letterbox delivery. (4.7)

**16. THAT** this Item 4.9 be deferred to the next meeting to allow further discussions with residents in Baden Road. (4.9)

**17. THAT** the Manager Traffic & Transport Operations investigate installation of a “give way to pedestrian” sign at the intersection of Barry Lane/Yeo St Neutral Bay. (GB)

**18.. THAT** the existing stop sign and line painting at the intersection of Barry Lane/Yeo St Neutral Bay be rectified. (GB)

#### **7.4. Governance and Finance Committee - Minutes 8 February 2021**

**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 8 February 2021 for Council adoption. The minutes are attached for information.

**RECOMMENDATION:**

**1.THAT** the Quarterly Review of the Operational Plan - Oct to Dec 2020 be received. *(Item 3.1)*

**2.THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 31 December 2020. *(Item 3.1)*

**3. THAT** the Quarterly Budget Review Statement – December 2020 report be received. *(Item 3.2)*

**4. THAT** the revised 2020/21 Budget be adopted. *(Item 3.2)*

**5.THAT** the report on Investments and Loan Borrowings held as at 31 January 2021 be received. *(Item 3.3)*

**6.THAT** the requested information (GIPA Requests Impacts on Council Resources ) be noted. *(Item 3.4)*

**7.THAT** the Mayor and Deputy Mayor and General Manager or the General Manager’s representative be authorised to attend the National General Assembly of Local Government, if they wish to do so. *(Item 3.5)*

**8. THAT** Council make a submission to the NSW Government in respect of the Exposure Draft of the Local Government Amendment (Rating) Bill 2020 as outlined in this report. *(Item 3.6)*

**9.THAT** the Senior Staff structure and Senior Staff positions illustrated at attachment 3 be adopted. *(Item 3.7)*

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

**1.THAT** the Quarterly Review of the Operational Plan - Oct to Dec 2020 be received. *(Item 3.1)*



2. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 31 December 2020. *(Item 3.1)*
3. **THAT** the Quarterly Budget Review Statement – December 2020 report be received. *(Item 3.2)*
4. **THAT** the revised 2020/21 Budget be adopted. *(Item 3.2)*
5. **THAT** the report on Investments and Loan Borrowings held as at 31 January 2021 be received. *(Item 3.3)*
6. **THAT** the requested information (GIPA Requests Impacts on Council Resources ) be noted. *(Item 3.4)*
7. **THAT** the Mayor and Deputy Mayor and General Manager or the General Manager’s representative be authorised to attend the National General Assembly of Local Government, if they wish to do so. *(Item 3.5)*
8. **THAT** Council make a submission to the NSW Government in respect of the Exposure Draft of the Local Government Amendment (Rating) Bill 2020 as outlined in this report. *(Item 3.6)*

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

- For:** Councillor Beregi, Councillor Carr, Councillor Gunning, Councillor Baker  
**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton  
**Absent:** nil

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

1. **THAT** the Quarterly Review of the Operational Plan - Oct to Dec 2020 be received. *(Item 3.1)*
2. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 31 December 2020. *(Item 3.1)*
3. **THAT** the Quarterly Budget Review Statement – December 2020 report be received. *(Item 3.2)*
4. **THAT** the revised 2020/21 Budget be adopted. *(Item 3.2)*
5. **THAT** the report on Investments and Loan Borrowings held as at 31 January 2021 be received. *(Item 3.3)*
6. **THAT** the requested information (GIPA Requests Impacts on Council Resources) be noted. *(Item 3.4)*
7. **THAT** the Mayor and Deputy Mayor and General Manager or the General Manager’s representative be authorised to attend the National General Assembly of Local Government, if they wish to do so. *(Item 3.5)*
8. **THAT** Council make a submission to the NSW Government in respect of the Exposure Draft of the Local Government Amendment (Rating) Bill 2020 as outlined in this report. *(Item 3.6)*
9. **THAT** the Senior Staff structure and Senior Staff positions illustrated at attachment 3 be adopted. *(Item 3.7)*

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton  
**Against:** Councillor Beregi, Councillor Carr, Councillor Gunning, Councillor Baker  
**Absent:** nil

**8. RESOLVED:**

1. **THAT** the Quarterly Review of the Operational Plan - Oct to Dec 2020 be received. *(Item 3.1)*
2. **THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 31 December 2020. *(Item 3.1)*
3. **THAT** the Quarterly Budget Review Statement – December 2020 report be received. *(Item 3.2)*
4. **THAT** the revised 2020/21 Budget be adopted. *(Item 3.2)*
5. **THAT** the report on Investments and Loan Borrowings held as at 31 January 2021 be received. *(Item 3.3)*
6. **THAT** the requested information (GIPA Requests Impacts on Council Resources ) be noted. *(Item 3.4)*
7. **THAT** the Mayor and Deputy Mayor and General Manager or the General Manager’s representative be authorised to attend the National General Assembly of Local Government, if they wish to do so. *(Item 3.5)*
8. **THAT** Council make a submission to the NSW Government in respect of the Exposure Draft of the Local Government Amendment (Rating) Bill 2020 as outlined in this report. *(Item 3.6)*
9. **THAT** the Senior Staff structure and Senior Staff positions illustrated at attachment 3 be adopted. *(Item 3.7)*

## **8. Reports to Council**

### **8.1. Matters Outstanding - February 2021**

**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 30 November 2020 Ordinary Meeting of Council.

**RECOMMENDATION:**

1. **THAT** the report 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 9 / 1

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker  
**Against:** Councillor Beregi  
**Absent:** nil

## **9. RESOLVED:**

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

### **8.2. Planning Proposal 2/19 – Alfred Street Precinct (263-283 Alfred Street North & 4 Little Alfred Street, North Sydney) – Submission to Public Exhibition**

**AUTHOR:** Ben Boyd, Executive Strategic Planner

To seek Council's endorsement for a submission in response to the public exhibition of the Planning Proposal at 263-283 Alfred Street North & 4 Little Alfred Street, North Sydney, which was conducted by the NSW Government's Planning Panels Secretariat.

On 26 August 2019, Council resolved not to support the progression of a planning proposal (PP2/19) to amend the planning controls within North Sydney Local Environmental Plan (NSLEP 2013) as it related to land at 263-283 Alfred Street North & 4 Little Alfred Street, North Sydney. The proposal sought the following amendments to the NSLEP 2013:

- Rezoning the Precinct from *B3 Commercial Core* to *B4 Mixed Use*;
- Increase the maximum building height control from 13m across the entire Precinct site to a varying range between 28m and 80m;
- Increase the maximum floor space ratio (FSR) for 275 Alfred Street only from 3.5:1 to 7.3:1; and
- Incorporate a local provision allowing a 2:1 FSR bonus on land at 275 Alfred Street only subject to a design excellence competition being held.

Following the lodgement of a Rezoning Review by the applicant and recommendation of support of the Sydney North Regional Planning Panel, a Gateway Determination was issued in relation to the Planning Proposal contrary to Council's refusal of the Proposal.

Due to its determination not to support the Planning Proposal, Council resolved on 24 February 2020 not to accept the Planning Proposal Authority role to undertake the next stages of the plan making process. Subsequently, the Planning Panels Secretariat has been responsible for administering the public exhibition of the planning proposal and its subsequent plan making procedures.

The ensuing exhibition process has been facilitated in a manner that is less than ideal, making it difficult for the community to engage with it fully and meaningfully. This includes the timing of the exhibition beginning in mid-December 2020, letters advising of the exhibition well after the actual commencement and the presentation of material in a manner that has made understanding difficult. This is recommended to be outlined in Council's submission.

This report provides an assessment of the public exhibition documentation and the exhibition process and seeks endorsement of a submission to the Planning Panel's Secretariat raising concerns with the Planning Proposal due to:

- A less than ideal exhibition process;
- There being a fundamental problem with the Planning Proposal progressing ahead of a directly associated draft DCP amendment and draft Voluntary Planning Agreement (VPA), the former which may potentially mediate some of the bulk, scale and amenity impacts of potential outcomes;
- The Planning Proposal and some associated supporting documentation not being amended sufficiently to provide a clear representation of what could be constructed on the site in line with the proposed controls making the assessment of potential impacts difficult;
- Overshadowing remaining a key issue with increased height;
- The Floor Space Ratio (FSR) controls as outlined in the Planning Proposal being far in excess of what could be achieved if the intent of the proposed DCP built form controls was to be complied with;
- A requirement to reword the proposed bonus FSR clause to avoid ambiguity or confusion;
- The proposal lacking a minimum non-residential, floor space ratio whilst purporting to provide for employment floor space as a benefit of the development;
- Further refinement of the height controls are required to ensure that impacts to the conservation area located to the east are minimised;
- Setbacks and separation distances proposed within the draft DCP are sub optimal and are recommended to be revised, with a particular reference to the reduction in the setback to Little Alfred Street;
- An amalgamation arrangement for the future development of the Precinct has not been stipulated which would result in a more orderly and managed development outcome.

The cumulative impact of the issues raised above does not provide sufficient justification to progress the Planning Proposal in its current form and should be rejected outright or at least subject to a new Gateway Determination addressing all issues raised in this report.

It is worth noting that the associated letter of offer to enter into a Voluntary Planning Agreement (VPA) and draft amendments to the North Sydney Development Control Plan (NSDCP) 2013 do not meet the requirements of the Environmental Planning and Assessment Act 1979 and accompanying Regulations for the purposes of public exhibition and unfortunately, will need to be carried out by Council at a later time. As indicated through this report and summarised above, the DCP amendments are critical to achieve the management of some of the associated impacts of very tall and potentially imposing structures such as overshadowing, scale, bulk, separation and setback issues and amenity.

Progression of a draft VPA and draft amendment to NSDCP 2013 will be at the cost of Council. These processes will be required to be funded through existing budget lines.

## **RECOMMENDATION:**

**1. THAT** Council make a submission to the Sydney North Planning Panel Secretariat in response to the public exhibition of the Planning Proposal relating to land at 263-283 Alfred Street North & 4 Little Alfred Street, North Sydney. The submission is to outline Council's rejection of supporting the Planning Proposal proceeding any further in its current form as detailed in Section 8 to this report, including:

- a. Reinforcing Council's original reasons for not supporting the progression of the Planning Proposal;
- b. The Planning Proposal and associated supporting documents not being exhibited in a form to make a reasonable assessment of the potential impacts;
- c. The Planning Proposal progressing ahead of an associated draft development control plan (DCP) amendment and draft Voluntary Planning Agreement (VPA);
- d. Overshadowing remaining a key issue with increased height;
- e. The Floor Space Ratio (FSR) controls being far in excess of what could be achieved if the intent of the proposed DCP built form controls was to be complied with;
- f. The lack of inclusion of setting a minimum non-residential floor space ratio;
- g. The inclusion of sub-optimal setback and separation distances proposed within the draft DCP; and
- h. Does not encourage site amalgamation which would result in a more orderly and managed development outcome.

**2. THAT** the submission also highlights the following matters, which are elaborated upon in the Detail sections of this report:

- a. The poor handling of the public exhibition process, contrary to best practice;
- b. Revision of the proposed bonus FSR clause to avoid ambiguity or confusion;
- c. Inclusion of additional height controls along the Precinct's eastern alignment to protect the amenity of residential development to the east;
- d. Exclusion of the signage aspects of the proposed development; and
- e. That should DPIE support the progression of the Planning Proposal, that a deferred commencement date be included by DPIE to allow additional time for Council and the proponent to negotiate the proffered draft VPA and draft DCP amendment applying to the Precinct.

Cr Barbour declared a declared a significant, non-pecuniary interest in the following item and left the meeting at 8.11pm

The Recommendation was moved by Councillor Baker 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 Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

**Against:** Nil

**Absent:** Councillor Barbour

## **10. RESOLVED:**

**1. THAT** Council make a submission to the Sydney North Planning Panel Secretariat in response to the public exhibition of the Planning Proposal relating to land at 263-283 Alfred Street North & 4 Little Alfred Street, North Sydney. The submission is to outline Council's rejection of supporting the Planning Proposal proceeding any further in its current form as detailed in Section 8 to this report, including:

- a. Reinforcing Council's original reasons for not supporting the progression of the Planning Proposal;

- b. The Planning Proposal and associated supporting documents not being exhibited in a form to make a reasonable assessment of the potential impacts;
- c. The Planning Proposal progressing ahead of an associated draft development control plan (DCP) amendment and draft Voluntary Planning Agreement (VPA);
- d. Overshadowing remaining a key issue with increased height;
- e. The Floor Space Ratio (FSR) controls being far in excess of what could be achieved if the intent of the proposed DCP built form controls was to be complied with;
- f. The lack of inclusion of setting a minimum non-residential floor space ratio;
- g. The inclusion of sub-optimal setback and separation distances proposed within the draft DCP; and
- h. Does not encourage site amalgamation which would result in a more orderly and managed development outcome.

**2.THAT** the submission also highlights the following matters, which are elaborated upon in the Detail sections of this report:

- a. The poor handling of the public exhibition process, contrary to best practice;
- b. Revision of the proposed bonus FSR clause to avoid ambiguity or confusion;
- c. Inclusion of additional height controls along the Precinct's eastern alignment to protect the amenity of residential development to the east;
- d. Exclusion of the signage aspects of the proposed development; and
- e. That should DPIE support the progression of the Planning Proposal, that a deferred commencement date be included by DPIE to allow additional time for Council and the proponent to negotiate the proffered draft VPA and draft DCP amendment applying to the Precinct.

Cr Barbour returned to the meeting at 8.12pm

### **8.3. Planning Proposal PP2/20 - 1A Little Alfred Street, North Sydney**

**AUTHOR:** Jayden Perry, Strategic Planner

To present an assessment report in response Planning Proposal No. 2/20 at 1A Little Alfred Street, North Sydney after its consideration by the Local Planning Panel on 9 December 2020. Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1A Little Alfred Street, North Sydney.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- allow 'Serviced apartments' as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 - Private Recreation zone). Should the Housing Diversity SEPP be finalised and gazetted, the proposed newly defined use of 'co-living' also be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

The indicative concept scheme accompanying the Planning Proposal includes a 3 storey building on the western portion of the site comprising:

- 11 x 1-2 bedroom apartments (at levels 1-2); and
- a 38m<sup>2</sup> kiosk style café, a 62m<sup>2</sup> health/wellness space that could be used for yoga, gym space or the like, and 55m<sup>2</sup> of shared ‘co-working’ space, accommodation lobby and back of house, all at ground level.

The eastern portion of the site will be utilised as an outdoor garden and active recreation space used in conjunction with the “health/wellness” space. The eastern most tennis court is proposed to be retained and would remain available to the public for hire.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide;

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

Having completed an assessment of the Planning Proposal and draft VPA against the Department of Planning, Infrastructure and Environments’ (DPIE) Regional and District Plans and against Council’s existing controls and policies, it is considered that the Planning Proposal is not compatible with the surrounding area nor does it align Council’s future vision for the area and as such should not be supported to proceed to Gateway Determination.

In particular, the proposal will result in a built form that is of an inappropriate height and scale, will result in the loss of private recreational area, is likely to impact upon the amenity of surrounding residents and is considered to be inconsistent with the objectives of the RE2 zone and with the objectives of the adjacent zones.

The Planning Proposal has not been prepared in response to any Council Planning Study and is therefore not consistent with Council’s assured Local Strategic Planning Statement which sets the strategic vision for the future of North Sydney. The Planning Proposal is not considered to be satisfactory for the reasons outlined above and discussed in detail in this report.

As part of the plan making process Council staff are required to report on this planning proposal to the Local Planning Panel prior to the elected Council. This took place on 9 December 2020 and the minutes of this meeting are provided at Attachment 5. The panel supported its progression in principle, contingent on meeting a range of concerns provided in the body of the report. This support was not unanimous.

It is noted that the applicant has made ongoing updates to original proposal, having submitted two revised schemes since its lodgement in March 2020. Whilst these have sought to address various concerns, it has added unnecessary complication to the process, effectively undertaking a form of negotiation prior to the exhibition stage of the proposal.

Whilst not the subject of formal exhibition, Council has received a total of seventy-five (75) submissions raising concerns over the proposal.

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

**RECOMMENDATION:**

**1. THAT** Council resolves to not support the Planning Proposal proceeding to Gateway Determination.

**2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**11. RESOLVED:**

**1. THAT** Council resolves to not support the Planning Proposal proceeding to Gateway Determination.

**2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.

**8.4. Planning Proposal PP5/20 - 52 Alfred Street South, Milsons Point**

**AUTHOR:** Karen Buckingham, Executive Strategic Planner

To present to Council the assessment of a Planning Proposal which seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 52 Alfred Street South, Milsons Point following its review by the North Sydney Local Planning Panel which is included.

On 2 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 52 Alfred Street South, Milson Point. In particular, the Planning Proposal proposes the following amendments to NSLEP 2013:



- *Increase the maximum building height on the Height of Buildings Map from 40m to RL 87 (55 metres). This represents an increase of 15 metres above the existing maximum height control.*

The proposal also includes a site-specific Development Control Plan (DCP) amendment which attempts to demonstrate how the indicative concept design would be realised in a DCP amendment and control the potential build form outcomes on the subject site.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 9 December 2020, and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in this report.

It is recommended that Council resolve to not support the progression of the Planning Proposal to Gateway Determination for the reasons expressed in this report.

#### **RECOMMENDATION:**

**1. THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons;

- i) The Planning Proposal and Site-Specific DCP amendment fail to demonstrate how the site could be acceptably developed to ensure that the height proposed would not have a significantly detrimental impact on the character of the area and impact on public and private amenity.
- ii) From the information submitted, the Planning Proposal, indicative concept design and associated Site-Specific DCP amendment do not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts.
- iii) The Planning Proposal is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;
- iv) The Planning Proposal is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;
- v) The Planning Proposal is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
- vi) Sufficient residential capacity is already provided under NSLEP 2013 and identified in the NSLHS to meet State housing targets, without the need to change the land use mix on the subject site; and
- vii) The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study of Milsons Point.

**2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

**3. THAT** Council advise the Department of Planning, Industry and Environment of its decision and that it be provided with a copy of this report and its resolution in support of Council's position.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

## **12. RESOLVED:**

**1. THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons;

- i) The Planning Proposal and Site-Specific DCP amendment fail to demonstrate how the site could be acceptably developed to ensure that the height proposed would not have a significantly detrimental impact on the character of the area and impact on public and private amenity.
- ii) From the information submitted, the Planning Proposal, indicative concept design and associated Site-Specific DCP amendment do not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts.
- iii) The Planning Proposal is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;
- iv) The Planning Proposal is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;
- v) The Planning Proposal is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
- vi) Sufficient residential capacity is already provided under NSLEP 2013 and identified in the NSLHS to meet State housing targets, without the need to change the land use mix on the subject site; and
- vii) The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study of Milsons Point.

**2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

**3. THAT** Council advise the Department of Planning, Industry and Environment of its decision and that it be provided with a copy of this report and its resolution in support of Council's position.

## **8.5. Crows Nest Metro Over Station Development Draft Voluntary Planning Agreement**

**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning

To recommend that Council enter into a Voluntary Planning Agreement with Sydney Metro relating to the Crows Nest Over Station Development.

Through the latter stages of the development of concept plans for the over station development for Crows Nest Metro, Council staff commenced preliminary discussions with Transport for NSW (TfNSW) regarding a Voluntary Planning Agreement (VPA) for the site.

Given that amendments to the planning controls for the site were pursued directly with the Department of Planning Industry and Environment, Council has had very little leverage to secure the extent of VPA value that would ordinarily be pursued for the “rezoning” of other sites. The concept development application was approved by the Minister for Planning and Public Spaces in December 2020. The ensuing consent for the site, requires that TfNSW enter into a VPA with Council which enables payment of all applicable developer contributions plus \$2M for public domain improvements, at the beginning of the development process, rather than at the end.

There are several advantages to this approach. Firstly, contributions money is made available “up front” rather than being received in periodic instalments aligning with the development of the land which would occur some years into the future. Secondly, this mechanism enables a greater degree of flexibility in the money's expenditure. It also dispenses with the need for Council to supplement such expenditure as would be the case under the current Section 7.11 Contributions Plan. In addition, there is the offer of a supplementary payment of \$2M which is over and above the applicant's normal contributions responsibilities.

The attached draft VPA identifies a total payment of approximately \$11.8M which comprises the “front loading” of the usual Section 7.11 contributions payable and a \$2M supplement. This report recommends that the former of these be deposited in restricted revenue reserves to recognise their origins and the latter be used to supplement funding for the Holtermann Street Park initiative in Crows Nest that is currently the subject of a funding agreement with the Department of Planning Industry and Environment.

Council would ordinarily receive a total of approximately \$9.8M in S7.11 contributions arising from the development over the life of the development of the Over Station Development. This would occur periodically over the coming years depending on the timing of their development. The draft VPA is designed to consolidate these into one payment at the beginning of the process with an additional \$2M payment. The VPA payment would also liberate Council from the need to allocate matching funds from other sources of revenue, including general revenue, towards projects targeted by such payment as is broadly the requirement under Council's S7.11 Contributions Plan.

#### **RECOMMENDATION:**

- 1. THAT** Council endorse the attached draft Voluntary Planning Agreement for the purposes of public exhibition.
- 2. THAT** the General Manager be delegated authority to make minor amendments to the draft VPA that do not change its substance or intent prior to exhibition if necessary.
- 3. THAT** the draft Voluntary Planning Agreement be publicly exhibited for a period of 28 days.
- 4. THAT** Council appropriate the (approximately) \$9.8M within the appropriate Section 7.11 restricted reserves in recognition of the origins of this income and that the \$2M be used to supplement funding for the Holtermann Street Park initiative in Crows Nest.
- 5. THAT** a report be prepared for Council's consideration following the exhibition process detailing any submissions received and any amendments required to the draft VPA prior to its finalisation.

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

- 1. THAT** Council endorse the attached draft Voluntary Planning Agreement for the purposes of public exhibition.

2. **THAT** the General Manager be delegated authority to make minor amendments to the draft VPA that do not change its substance or intent prior to exhibition if necessary.
3. **THAT** the draft Voluntary Planning Agreement be publicly exhibited for a period of 28 days.
4. **THAT** Council appropriate the (approximately) \$9.8M within the appropriate Section 7.11 restricted reserves in recognition of the origins of this income and that the \$2M be used to supplement funding for the Stage 2 design and works for the expended Hume Street Park.
5. **THAT** a report be prepared for Council's consideration following the exhibition process detailing any submissions received and any amendments required to the draft VPA prior to its finalisation.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 7

**For:** Councillor Beregi, Councillor Carr, Councillor Baker  
**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton  
**Absent:** nil

A Motion was moved by Councillor Gibson and seconded by Councillor Brodie.

1. **THAT** Council endorse the attached draft Voluntary Planning Agreement for the purposes of public exhibition.
2. **THAT** the General Manager be delegated authority to make minor amendments to the draft VPA that do not change its substance or intent prior to exhibition if necessary.
3. **THAT** the draft Voluntary Planning Agreement be publicly exhibited for a period of 28 days.
4. **THAT** Council appropriate the (approximately) \$9.8M within the appropriate Section 7.11 restricted reserves in recognition of the origins of this income and that the \$2M be used to supplement funding for the Holtermann Street Park initiative in Crows Nest.
5. **THAT** a report be prepared for Council's consideration following the exhibition process detailing any submissions received and any amendments required to the draft VPA prior to its finalisation.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker  
**Against:** Councillor Carr, Councillor Gunning  
**Absent:** nil

**13. RESOLVED:**

1. **THAT** Council endorse the attached draft Voluntary Planning Agreement for the purposes of public exhibition.

2. **THAT** the General Manager be delegated authority to make minor amendments to the draft VPA that do not change its substance or intent prior to exhibition if necessary.
3. **THAT** the draft Voluntary Planning Agreement be publicly exhibited for a period of 28 days.
4. **THAT** Council appropriate the (approximately) \$9.8M within the appropriate Section 7.11 restricted reserves in recognition of the origins of this income and that the \$2M be used to supplement funding for the Holtermann Street Park initiative in Crows Nest.
5. **THAT** a report be prepared for Council's consideration following the exhibition process detailing any submissions received and any amendments required to the draft VPA prior to its finalisation.

## **8.6. Beaches Link and Gore Hill Freeway Connection EIS Submission**

**AUTHOR:** Joseph Hill, Director City Strategy

To seek endorsement to submit a formal response to the Department of Planning, Industry and Environment regarding the Beaches Link and Gore Hill Freeway Connection (BL&GHF) Environmental Impact Statement (EIS).

On 9 December 2020 the NSW Government released the BL&GHF EIS. The public exhibition period for the EIS concludes on Monday 1 March 2021. The review has identified concerns including; construction and operational road network impacts, air quality and human health concerns, environmental, social and amenity impacts as well as the potential for various State and Local projects to be compromised.

Much of Council's concern is reflected in an earlier submission to the Western Harbour Tunnel EIS which has subsequently been approved. Council staff have been dealing with the early works of this project and how the project itself will be delivered, the impacts of the delivery on the community and the use and subsequent return of Council assets, particularly open space project. The BL&GHF EIS serves as another opportunity to highlight the importance of obtaining certainty over the future outcomes for the range of Council assets and programs in both projects, particularly regarding:

- returning a net increase in open space to the North Sydney community, including through the undergrounding of the Motorway Facilities Buildings in Cammeray Park to the maximum extent possible.
- capturing any traffic reductions on Military Road and articulating these through a Military Road "local benefits program" prior to construction.
- Minimizing the impact on the North Sydney CBD traffic volumes and resulting urban safety and amenity.

A Council endorsed submission is recommended, consistent with the main concerns identified within this report.

The BL&GHF projects will have significant financial impacts for the North Sydney community and Council, however such impacts are very difficult to accurately express.

### **RECOMMENDATION:**

**1. THAT** Council resolve to make a submission to the NSW Department of Planning, Industry and Environment on the Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement consistent with the concerns expressed in this report.

2. **THAT** the General Manager be delegated authority to incorporate any amendments or additions and finalise the submission to be forwarded to the NSW Department of Planning, Industry and Environment.
3. **THAT** the submission form the basis of any further near-term discussions and negotiations with the proponent.

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

1. **THAT** Council resolve to make a submission to the NSW Department of Planning, Industry and Environment on the Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement consistent with the concerns expressed in this report.
2. **THAT** the Council write to the Premier and the Minister for Transport asking that the time for submissions be extend by one month to the 30 March 2021,
3. **THAT** Council's submission strongly oppose the project on the following grounds:
  - a. The lack of a business case
  - b. The lack of alternative transport options including public transport
  - c. The lack of filtering in the proposed exhaust stacks;
  - d. The unnecessary loss of public open space and future open space, loss of sporting facilities, loss of trees and canopy, loss of water treatment infrastructure;
  - e. The unnecessary impacts on our schools and school children;
  - f. The Environmental impact on waterways, reserves, flora and fauna
  - g. Inappropriate and untested mitigation measures;
  - h. Lack of meaningful community consultation;
  - i. Lack of concern for the health and wellbeing of our residents;
  - j. The significant adverse impacts on aboriginal heritage and maritime environment.

An Amendment was moved by Councillor Gibson:

1. **THAT** Council resolve to make a submission to the NSW Department of Planning, Industry and Environment on the Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement consistent with the concerns expressed in this report.
2. **THAT** the General Manager be delegated authority to incorporate any amendments or additions and finalise the submission to be forwarded to the NSW Department of Planning, Industry and Environment.
3. **THAT** the submission form the basis of any further near-term discussions and negotiations with the proponent including following issues of concern.
4. **THAT** Council write to the Premier and Minister for Transport requesting that the period for the submissions be extended by one month.

The Amendment failed due to the lack of a seconder.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 6 / 5

**For:** Councillor Beregi, Councillor Brodie, Councillor Carr, Councillor Gunning, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Absent:** nil

*\*The Mayor used her casting vote to vote against the motion*

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

- 1. THAT** Council resolve to make a submission to the NSW Department of Planning, Industry and Environment on the Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement consistent with the concerns expressed in this report.
- 2. THAT** the General Manager be delegated authority to incorporate any amendments or additions and finalise the submission to be forwarded to the NSW Department of Planning, Industry and Environment.
- 3. THAT** the submission form the basis of any further near-term discussions and negotiations with the proponent including following issues of concern.
  - a. The lack of alternative transport options including public transport
  - b. The lack of filtering in the proposed exhaust stacks;
  - c. The unnecessary loss of public open space and future open space, loss of sporting facilities, loss of trees and canopy, loss of water treatment infrastructure;
  - d. The adverse impacts on our schools and school children;
  - e. The Environmental impact on waterways, reserves, flora and fauna
  - f. Lack of meaningful community consultation
  - g. Concern for the health and wellbeing of our residents.
  - h. Concerns for impacts on aboriginal heritage and maritime environment.
- 4. THAT** Council write to the Premier and Minister for Transport requesting that the period for the submissions be extended by one month.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Carr

**Absent:** nil

#### **14. RESOLVED:**

- 1. THAT** Council resolve to make a submission to the NSW Department of Planning, Industry and Environment on the Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement consistent with the concerns expressed in this report.
- 2. THAT** the General Manager be delegated authority to incorporate any amendments or additions and finalise the submission to be forwarded to the NSW Department of Planning, Industry and Environment.
- 3. THAT** the submission form the basis of any further near-term discussions and negotiations with the proponent including following issues of concern.
  - a. The lack of alternative transport options including public transport

- b. The lack of filtering in the proposed exhaust stacks;
- c. The unnecessary loss of public open space and future open space, loss of sporting facilities, loss of trees and canopy, loss of water treatment infrastructure;
- d. The adverse impacts on our schools and school children;
- e. The Environmental impact on waterways, reserves, flora and fauna
- f. Lack of meaningful community consultation
- g. Concern for the health and wellbeing of our residents.
- h. Concerns for impacts on aboriginal heritage and maritime environment.

**4. THAT** Council write to the Premier and Minister for Transport requesting that the period for the submissions be extended by one month.

## **8.7. Military Road Corridor Planning Study - Exhibition Outcomes and Amended Future Direction Report**

**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning

To present to Council the report that was considered and deferred on 30 November 2020 regarding the Military Road Corridor Planning Study.

Council considered a report into the final draft Military Road Corridor Planning Study after its exhibition between April and July 2020. Council received significant feedback from this engagement process with 435 responses received.

Council deferred consideration of that final draft report at its meeting on 30 November 2020. An internal Councillor briefing requested in early February and conducted for Councillors on 8 February 2021 to review the contents of that report. Various matters were discussed, in particular the notion of capping carparking numbers and the merits of the development of Site 4.

\$88,000 has been spent from the \$108,000 budget allocation from 2019/20 for Stage 1 consultants and administrative costs. A further \$70,000 is allocated in this financial year for either implementation or Stage 2.

### **RECOMMENDATION:**

- 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 Barbour and seconded by Councillor Drummond.

- 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, with the exception of Site 4. Determination of the Study outcomes for the area known as Site 4 is to be deferred for a site inspection.
- 3. THAT** Council note the Future Directions Report will guide future Planning Proposals.



Councillor Gunning left the meeting at 9:24pm and returned at 9:34pm during consideration of the matter.

A Motion was moved by Councillor Barbour and seconded by Councillor Drummond that the matter be put, which was put and **Lost**.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6\*5 / 5

**For:** Councillor Gibson, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

**Against:** Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Baker

**Absent:** nil

*\*The Mayor used her casting vote to vote for the motion*

#### **15. RESOLVED:**

**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, with the exception of Site 4.

Determination of the Study outcomes for the area known as Site 4 is to be deferred for a site inspection.

**3. THAT** Council note the Future Directions Report will guide future Planning Proposals.

### **8.8. North Sydney Olympic Pool Redevelopment Governance Structure**

**AUTHOR:** Duncan Mitchell, Director Engineering and Property Services

This purpose of this report is to outline to Council the proposed changes to the North Sydney Olympic Pool Redevelopment Governance Structure now that the construction contract has been executed and the project has entered the construction phase.

At the Council Meeting held on 30 July 2018, Council resolved to establish a governance structure for the redevelopment of the North Sydney Olympic Pool that included the following key elements.

- Steering Control Group.
- Project Control Group; and
- Stakeholder Group

This Governance structure was established to oversee the design aspects of the project as it went through each design phase which included Concept Design Development, Documentation and Design Refinements required for the lodgement of a Development Application and then detailed Design Documentation for Tender and Construction.

Now that the design stage of the project is completed, and Council has entered into a contract with a builder to construct the project over the next 21 months it is proposed to modify the governance structure for the project to meet the requirements of the construction phase.

Funding is included in Council's adopted 2021/22 budget and forward estimates for 2022/23

to facilitate the NSOP redevelopment project across the two financial years in which the work will be undertaken. The Governance structure and reporting lines for the project outlined within this report will ensure a high level of management and Council oversight of the project as it progresses.

**RECOMMENDATION:**

**1. THAT** Council notes the report and thanks the previous Steering Group for their contribution through the Design and Development phase of the NSOP redevelopment. The Recommendation was moved by Councillor Brodie and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Baker

**Absent:** nil

**16. RESOLVED:**

**1. THAT** Council notes the report and thanks the previous Steering Group for their contribution through the Design and Development phase of the NSOP redevelopment.

**8.9. Masterplan for the Public Domain upgrade of Kirribilli Village Centre – Post Community Consultation report**

**AUTHOR:** Diana Mejia, Project Manager

This report provides Council with the outcome of the community consultation on the draft Masterplan for the Public Domain upgrade of Kirribilli Village Centre.

Council, at its meeting on 23 July 2020, endorsed the public exhibition of the Kirribilli Draft Masterplan for 60 days. Community consultation was undertaken between September and November 2020 in line with the Community Engagement Strategy developed for this project.

Council received a total of 79 submissions, comprising 14 written submissions and 65 online submission forms (Attachment 1). The majority of submissions received by Council support the proposal (86.08% support, 6.1% oppose, 3% neither support nor oppose, and 3% don't know).

This report outlines the consultation outcomes and changes made to the Masterplan as a result of the feedback received. The final Masterplan (Attachment 2) is included in this report to Council for adoption.

The implementation of this Masterplan is a long-term program that will be implemented as funding becomes available.

Partial funding of \$500K for this project is included in the Special Rate Variation (SRV) and Capital Works for the financial year 2021/2022.

The Masterplan for the Kirribilli Village Centre will be used to inform forward planning for Council's Streetscape Upgrades in Kirribilli as well as future Capital Works budgets in Council's Delivery Program.

The Master Plan will also be used for future grant funding applications, which will be required to deliver the projects that have been identified in the document.

**RECOMMENDATION:**

1. **THAT** Council note the submissions received.
2. **THAT** The Masterplan for the Public Domain upgrade of Kirribilli Village Centre including the amendments made as a result of the feedback received during the community consultation period be adopted.
3. **THAT** Council proceeds with detailed design and construction of the **Burton Street - Pilot Project**, to be in place for a period of 6 months which is funded through the NSW Department of Planning, Industry and Environment "Streets and Shared Spaces Grant"
4. **THAT** Council proceeds with detailed design and construction of **Bligh Street- Pilot Shared Zone**, to be in place for a period of 6 months which is funded through the NSW Department of Planning, Industry and Environment "Streets and Shared Spaces Grant"
5. **THAT** should Council resolve to proceed with the pilot projects, that approval from the North Sydney Traffic Committee be sought under delegation to the Manager Traffic and Transport Operations for the road closures and shared zone implementation, under the TfNSW Special Covid-19 traffic regulation delegation to Councils - Section 115 of the Roads Act 1993 for temporary pedestrian and bicycle works.
6. **THAT** Council endorses the grant application submitted to NSW Department of Planning, Industry and Environment, on 29 January 2021, for "Your High Street" Grant program, nominating the Broughton Street - "High Street" - Permanent Upgrade Works - Project. Formal Council endorsement is a requirement of the "Your High Street" Grant program guidelines – refer to attachment 4.

A Motion was moved by Councillor Gibson and seconded by Councillor Brodie.

1. **THAT** Council note the submissions received.
2. **THAT** the Masterplan for the Public Domain upgrade of Kirribilli Village Centre including the amendments made as a result of the feedback received during the community consultation period be adopted.
3. **THAT** Council proceeds with detailed design and construction of the Burton Street – green heart project (ie the plaza between Burton St and Crescent Lane), to be in place for a period of 6 months, which is funded through the NSW Department of Planning, Industry and Environment "Streets and Shared Spaces Grant"
4. **THAT** the works planned for the Burton St tunnel underpass be deferred until roadworks and line marking (that will provide offset parking spaces) is completed.
5. **THAT** Council proceeds with detailed design and construction of **Bligh Street- Pilot Shared Zone**, to be in place for a period of 6 months, which is funded through the NSW Department of Planning, Industry and Environment "Streets and Shared Spaces Grant"
6. **THAT** should Council resolve to proceed with the pilot projects, that approval from the North Sydney Traffic Committee be sought under delegation to the Manager Traffic and Transport Operations for the road closures and shared zone implementation, under the TfNSW Special Covid-19 traffic regulation delegation to Councils - Section 115 of the Roads Act 1993 for temporary pedestrian and bicycle works.

**7.THAT** Council endorses the grant application submitted to NSW Department of Planning, Industry and Environment, on 29 January 2021, for “Your High Street” Grant program, nominating the Broughton Street - "High Street" - Permanent Upgrade Works - Project. Formal Council endorsement is a requirement of the “Your High Street” Grant program guidelines – refer to attachment 4.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

#### **17. RESOLVED:**

**1.THAT** Council note the submissions received.

**2.THAT** the Masterplan for the Public Domain upgrade of Kirribilli Village Centre including the amendments made as a result of the feedback received during the community consultation period be adopted.

**3.THAT** Council proceeds with detailed design and construction of the Burton Street – green heart project (ie the plaza between Burton St and Crescent Lane), to be in place for a period of 6 months, which is funded through the NSW Department of Planning, Industry and Environment “Streets and Shared Spaces Grant”

**4.THAT** the works planned for the Burton St tunnel underpass be deferred until roadworks and line marking (that will provide offset parking spaces) is completed.

**5.THAT** Council proceeds with detailed design and construction of **Bligh Street- Pilot Shared Zone**, to be in place for a period of 6 months, which is funded through the NSW Department of Planning, Industry and Environment “Streets and Shared Spaces Grant”

**6.THAT** should Council resolve to proceed with the pilot projects, that approval from the North Sydney Traffic Committee be sought under delegation to the Manager Traffic and Transport Operations for the road closures and shared zone implementation, under the TfNSW Special Covid-19 traffic regulation delegation to Councils - Section 115 of the Roads Act 1993 for temporary pedestrian and bicycle works.

**7.THAT** Council endorses the grant application submitted to NSW Department of Planning, Industry and Environment, on 29 January 2021, for “Your High Street” Grant program, nominating the Broughton Street - "High Street" - Permanent Upgrade Works - Project. Formal Council endorsement is a requirement of the “Your High Street” Grant program guidelines – refer to attachment 4.

#### **8.10. Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park**

**AUTHOR:** Risha Joseph, Property Officer

The purpose of this report is to inform Council that tenders have been called for the Primrose Park Tennis Court Refurbishment project and the intention for Council to issue notices of demolition, and relocation to the current tennis court operator (Dalbech Pty Ltd) in Primrose

Park. It is proposed to re-locate the operator to Green Park Tennis Courts for the duration of the proposed reconstruction works on a temporary lease arrangement.

**RECOMMENDATION:**

**1.THAT** Council approves the proposal to re-locate of the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.

**2.THAT** a temporary lease for the relocation of the Primrose Park Tennis Court Operator be drafted and that in accordance with Section 47A of the Local Government Act 1993, place the proposal for the exclusive, temporary lease on Public Exhibition for 28 Days during which time submissions can be received

**3.THAT** Council at the conclusion of the 28-day exhibition period, and if no submissions are received, resolve to formalise the temporary lease agreement.

**4.THAT** the General Manager under the delegations of Section 377 of the Local Government Act 1993, negotiate the terms and conditions of the temporary lease.

**5.THAT** Council notes that the proposed relocation of the Primrose Park Tennis Court Operator to Green Park Tennis Courts and the execution of a temporary lease will only be undertaken on the basis that Council is in a position to award the tender to commence works on the project in April – May 2021.

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 / 4

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Gunning, Councillor Baker

**Absent:** nil

**18. RESOLVED:**

**1.THAT** Council approves the proposal to re-locate of the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.

**2.THAT** a temporary lease for the relocation of the Primrose Park Tennis Court Operator be drafted and that in accordance with Section 47A of the Local Government Act 1993, place the proposal for the exclusive, temporary lease on Public Exhibition for 28 Days during which time submissions can be received

**3.THAT** Council at the conclusion of the 28-day exhibition period, and if no submissions are received, resolve to formalise the temporary lease agreement.

**4.THAT** the General Manager under the delegations of Section 377 of the Local Government Act 1993, negotiate the terms and conditions of the temporary lease.

**5.THAT** Council notes that the proposed relocation of the Primrose Park Tennis Court Operator to Green Park Tennis Courts and the execution of a temporary lease will only be undertaken on the basis that Council is in a position to award the tender to commence works on the project in April – May 2021.

**8.11. Neutral Bay Club/Ilbery Park Land Swap Lease Proposal**

**AUTHOR:** Robert Emerson, Director Open Space and Environmental Services

The purpose of this report is to outline a proposal to fundamentally undertake a land lease swap between the Neutral Bay Club and the Council.

The proposal includes leasing a small section of Community land in Ilbery Reserve that can't be effectively used as public parkland to the Neutral Bay Club and in return leasing a small amount of land owned by the Neutral Bay Club that could be effectively used as an extension of Ilbery Reserve for public recreation.

Council has been approached by the Neutral Bay Club to lease a small section of Ilbery Reserve that is located at the base of the retaining wall at the southern end of the park and is generally inaccessible due to the level change.

During discussion of their request, it was determined that a section of land that forms their Anderson Street rear access to the Club and adjoins the park is generally at grade with the existing park levels and if leased by the Council would increase the usable open space of Ilbery Reserve.

Whilst both leases are envisaged to be offered at a peppercorn rent there is a cost of preparing the two leases that would need to be borne equally by the two parties. It is envisaged that the total cost would be in the order of \$3,500.

**RECOMMENDATION:**

1. **THAT** Council proceeds with the required process of progressing a lease for a period of less than five years with the Neutral Bay Club for the identified 50m<sup>2</sup> of Ilbery Reserve Community land that is located at the base of the Council retaining wall.
2. **THAT** on completion of the required consultation process a further report be provided identifying any public submissions received by Council for consideration and determination.
3. **THAT** Council enters into an agreement to lease for a period of less than five years from the Neutral Bay Club the identified 45m<sup>2</sup> of the Neutral Bay Clubs property that fronts Anderson Street to be used as an extension of Ilbery Reserve.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Baker

**Absent:** nil

**19. RESOLVED:**

1. **THAT** Council proceeds with the required process of progressing a lease for a period of less than five years with the Neutral Bay Club for the identified 50m<sup>2</sup> of Ilbery Reserve Community land that is located at the base of the Council retaining wall.
2. **THAT** on completion of the required consultation process a further report be provided identifying any public submissions received by Council for consideration and determination.

**3. THAT** Council enters into an agreement to lease for a period of less than five years from the Neutral Bay Club the identified 45m2 of the Neutral Bay Clubs property that fronts Anderson Street to be used as an extension of Ilbery Reserve.

## **8.12. Crows Nest Centre - Joint Strategic Plan Review 2019/20**

**AUTHOR:** Rebecca Aukim, Acting Director Community & Library Services

To report on the 2019/20 review of the current Crows Nest Centre's Joint Strategic Plan with Council and to recommend the adoption of the new Joint Strategic Plan 2021-25.

The Crows Nest Centre (CNC) is an independent not-for-profit organisation. The governance and strategic direction of the organisation is delivered by a Volunteer Board with operational matters delivered by the Centre's director, staff and volunteers.

The Centre provides a range of services and activities to older people, migrants, parents and people who are homeless or at risk of homelessness in the North Sydney LGA. Council's support for the Centre is through a peppercorn lease, maintenance and annual cash subsidy.

With the advent of COVID-19, CNC was greatly impacted as the Centre was required to close on-site services for a time. Since reopening in late June, the Centre has had to contend with the ongoing Public Health Order restrictions. The Centre has 200 dedicated volunteers, however, from March to October 2020 the Centre was required to stand down all their volunteers aged 70 years and over. Fortunately, the Centre was able to recruit a younger group of volunteers which allowed CNC to continue to provide in-home support services to older people.

Throughout COVID-19, the Centre has focused on the ongoing delivery of essential services such as meals, linen and shopping particularly to older people required to isolate at home. Staff and volunteers managed to maintain the Meals on Wheels service as well as provide an online shopping service for clients, linen delivery and phone contact with people who might otherwise be isolated. Despite their difficult year, the Centre was able to complete all their objectives in the Joint Strategic Plan.

The current Joint Strategic Plan between Council and CNC expired in 2020 and a newly completed plan (2020-2025) has been developed by the Board. It addresses six key areas with perhaps the most critical being preparation and positioning for ageing and disability reform, arising from the Royal Commission. A draft is presented here for adoption.

In developing the new Plan, the CNC Board has revised its Constitution. Among several amendments is a reduction in the number of North Sydney Councillors that can sit on the Board. The new entitlement is two. Five members present in person constitutes a quorum. The Board meets seven times a year in the morning on the last Tuesday of the month between February and November. At each meeting, the Board's Finance and Risk Committee and Services Committee provide advice.

For the 2019/20 financial year Council provided CNC with grants totalling \$454,600. Federal and State Government support amounting to a further \$808,017 which represents a significant

increase (\$256,172) over the previous year. The increase is due to Job Keeper payments and other grant opportunities made available to ageing and disability services due to COVID-19.

CNC reported a shortfall in hall and room hire income over 2019/20 which amounted to \$62,056 and this trend is likely to continue into 2021/22. The surplus of \$235,095 will provide a buffer in years to come against shortfall in room hire and other eventualities.

**RECOMMENDATION:**

- 1.THAT** the 2019/20 review of the Crows Nest Centre’s Joint Strategic Plan be noted.
- 2.THAT** Council considers the invitation from the Crows Nest Centre Board to nominate one or two Councillors for the Board.
- 3.THAT** the draft Crows Nest Centre Joint Strategic Plan 2020-2025 be placed on Public Exhibition for 28 days.
- 4.THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers the Crows Nest Centre Joint Strategic Plan 2020-2025 as adopted after the period closes.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**20. RESOLVED:**

- 1.THAT** the 2019/20 review of the Crows Nest Centre’s Joint Strategic Plan be noted.
- 2.THAT** Council considers the invitation from the Crows Nest Centre Board to nominate one or two Councillors for the Board.
- 3.THAT** the draft Crows Nest Centre Joint Strategic Plan 2020-2025 be placed on Public Exhibition for 28 days.
- 4.THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers the Crows Nest Centre Joint Strategic Plan 2020-2025 as adopted after the period closes.

### **8.13. Joint Strategic Plan Review 2019/20 for Nutcote**

**AUTHOR:** Rebecca Aukim, A/Director Community & Library Services

To report on Nutcote’s 2019/20 Review of the Joint Strategic Plan with Council and to consider the Trust’s request that the lease for Nutcote (5 Wallaringa Avenue) be renewed under the same terms and conditions.



May Gibb's Nutcote house museum, outbuildings and grounds were purchased by Council in 1990 and have been managed by The Nutcote Trust since 1993. The strategic direction of the organisation is through a Volunteer Board with operational matters delivered by the museum's manager/curator, weekend casuals and volunteer guides, gardeners and tea shop and gift shop staff. Each financial year Nutcote completes a Joint Strategic Plan review and provides Council their annual report.

Over the past four years (pre-COVID-19) the average number of visitors to Nutcote annually has been 7,000.

Before COVID-19, Nutcote staff had developed an education program which encouraged special interest groups to visit Nutcote. These included garden talks for garden groups and architecture talks for architecture students as well as coffee mornings. These offerings proved very successful. With the arrival of COVID-19, many bookings had to be cancelled and deposits refunded.

During COVID-19 Nutcote staff developed an online shop and worked on ways to continue to engage people via social media. Nutcote was able to reopen in early June. To manage the requirement for smaller numbers and space for social distancing, staff set up an online booking system. To encourage people to visit, Devonshire Tea was offered as an add-on. To Nutcote's delight this brought in a new cohort of visitors aged 25-50 who were keen to have high tea in the garden.

Following the Annual General Meeting in January 2021, The Nutcote Trust wrote to Council requesting that their lease be renewed under the same terms and conditions. The lease is due to expire in early 2023.

Despite Nutcote's difficult year they have been able to satisfy the requirements of the Joint Strategic Plan with Council. Since the Joint Strategic Plan commenced in 2008 successive Nutcote Boards have met all the requirements of Council.

Under the terms of the lease, Council is responsible for the maintenance of the Nutcote property and surrounding grounds costing \$38,400 annually, including rates.

Council contributed a cash subsidy of \$40,900 in 2019/20 which went towards Nutcote's operating costs and to sharing the cost of business and public liability insurance premiums (Council's contribution is approximately 50%).

After three successive years of deficits, Nutcote ended 2019/20 with a surplus of \$27,687. The majority of this is due to JobKeeper payments for three Nutcote staff when Nutcote was required to close March to June and to a higher than usual number of government grants. These grants offset significant falls in income from sales (\$27,708) and admissions fees (\$14,847) a downturn that will continue into 2021-22.

In 2019/20, rent from the Trust-owned, residential flat at 2A Wallaringa Avenue contributed \$42,000 towards the Nutcote Trust's operations (staff wages). 2A Wallaringa Avenue is not part of Council's lease of Nutcote (5 Wallaringa Avenue) to the Trust.

**RECOMMENDATION:**

1. **THAT** the 2019/20 review of Nutcote’s Joint Strategic Plan be noted.
2. **THAT** the lease for May Gibb’s Nutcote house museum, be renewed for another 15 years with the lease broken into three lots of five, with each five-year option being exercised by mutual agreement.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**21. RESOLVED:**

1. **THAT** the 2019/20 review of Nutcote’s Joint Strategic Plan be noted.
2. **THAT** the lease for May Gibb’s Nutcote house museum, be renewed for another 15 years with the lease broken into three lots of five, with each five-year option being exercised by mutual agreement.

**8.14. Family Day Care Annual Report 2019/20**

**AUTHOR:** Cate Dwyer, Nominated Supervisor Family Day Care

To provide Council with an annual report of the operations of the North Sydney Family Day Care Service for the 2019-2020 year.

Family Day Care (FDC) continues to be a preferred and affordable option for childcare, and throughout 2020, has seen the recruitment of 3 additional educators, and 2 returning from maternity leave, bringing over additional 20 families to the scheme. This recruitment has raised the number of children enrolled in the scheme by 19.1 %, increasing the financial sustainability of the service, as a result of increased parental and educators' levies.

During 2020 FDC faced many challenges due to the COVID-19 pandemic. The Government introduced free childcare for families and provided supplementary payments for Educators. The FDC unit was successful in obtaining Transitional Funding of \$66,283 and the Local Government COVID-19 Early Childhood Education program payment of \$29,250.

During this period, FDC was fortunate to retain most of the families in its care, totalling 156 families. Three families terminated care due to loss of parental employment. The coordination unit team continued to operate and was able to offer mentoring and support to Educators and

families throughout this time. Safety visits were in place, to ensure COVID-19 protocols and plans were adhered to as well as ensuring the Educators were adhering to National Quality Childhood Standards.

The Family Day Care unit was successful in obtaining Transitional Funding of \$66,283 and the Local Government COVID-19 Early Childhood Education program payment of \$29,250. This was beneficial as these amounts off-set the loss of parental levies, non-obtainable during the free childcare period.

In 2019/20, the cost of operating the service exceeded income by \$11,062.24 which was subsidised by Council.

**RECOMMENDATION:**

**1. THAT** the Family Day Care Annual Report 2019/20 be received.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**22. RESOLVED:**

**1. THAT** the Family Day Care Annual Report 2019/20 be received.

### **8.15. Sculpture@Sawmillers Exhibition**

**AUTHOR:** Sandra Moore, Manager Communications and Events  
Joanna Gibson, Team Leader Events

The purpose of this report is to consider a request to fund a Sculpture@Sawmillers exhibition and advise Council that funding is available within the Communications and Events budget should Council resolve to financially support the exhibition in September/October 2021.

At its meeting of 25 October 2020, Council considered Mayoral Minute (6.1 MM01) about Sculpture@Sawmillers and resolved:

*1. THAT Council staff provided a report to the November Council meeting in respect to the proposed Sculpture Exhibition and capacity to incorporate it within Council's overall event program.*

Local resident and Cultural Consultant Elsa Atkin has approached Council seeking a \$70,000 grant to allow her to produce a Sculpture@Sawmillers exhibition in Spring 2021. The events budget currently includes \$70,000 for Council's Australia Day event, BBQ by the Bridge. This event was not able to proceed in 2021 because the event site is being used for maintenance works on the Harbour Bridge. In addition to the site works, the Australia Day harbour program was also cancelled due to COVID-19 Public Health Order restrictions so no funds were required to implement crowd control measures.

This means funds are available to support Sculpture@Sawmillers should Council resolve to do so. Should Council not resolve to support the event, some of the BBQ by the Bridge funding would be used to activate the village centres.

The request for funding has been publicly advertised as required under Section 356 of the Local Government Act. Only two submissions were received, both in support of the proposed grant.

Under the current Public Health (COVID-19 Restrictions on Gathering and Movement) Order (no 7), which was current at the writing of this report, a maximum of 50 people are permitted to gather in a public outdoor place. If the event were to proceed, it would require a COVID-19 safety plan and to register as a COVID safe business or organisation with NSW Health, in order to manage access to the reserve if required.

Funding is available within the events budget for 2020/2021 to cover the proposed cost of the exhibition.

#### **RECOMMENDATION:**

1. **THAT** Council determine its position on providing a \$70,000 grant to Ms Elsa Atkin to produce Sculpture@Sawmillers in Spring 2021.

2. **THAT** should Council resolve to provide the grant, Communications & Events staff be authorised to draw up an agreement with Ms Atkin that includes a schedule for progress payments and Council approval of the event's COVID-safety plan.

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

1. **THAT** Council enter into a funding agreement to provide a \$70,000 grant to Ms Elsa Atkin to produce Sculpture@Sawmillers in Spring 2021, with payment linked to milestones/deliverables.

2. **THAT** should Council resolve to provide the grant, Communications & Events staff be authorised to draw up an agreement with Ms Atkin that includes a schedule for progress payments and Council approval of the event's COVID-safety plan.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Gunning

**Absent:** Councillor Baker

#### **23. RESOLVED:**

1. **THAT** Council enter into a funding agreement to provide a \$70,000 grant to Ms Elsa Atkin to produce Sculpture@Sawmillers in Spring 2021, with payment linked to milestones/deliverables.
2. **THAT** should Council resolve to provide the grant, Communications & Events staff be authorised to draw up an agreement with Ms Atkin that includes a schedule for progress payments and Council approval of the event’s COVID-safety plan.

## 8.16. North Sydney Tool Library Trial

**AUTHOR:** Niki Carey, Snr Sustainability Programs Co-ordinator

The purpose of this report is to seek Council’s endorsement for a proposal to trial a community run “tool library” at the Coal Loader Centre for Sustainability.

Council has received a proposal from a recently formed local not for profit community group, the “Sydney Library of Things” or “SLoT”, seeking to establish a community run “tool library” at the Coal Loader in part of the workshop space next to the Artist Studio. As well as reducing local resource use, and supporting the share economy, it would create a new sustainability focused community hub at the site. Based on an assessment of the proposal, several meetings and discussions with the SLoT, as well as the development of a Draft Coal Loader Workshop Licence Agreement in consultation with Council’s solicitor and Risk Manager, the proposal is considered to have significant merit and potential to benefit the North Sydney community. Minor carpentry and electrical works totaling less than \$5000 are required to provide a secure storage space for a tool library, and other potential future environmental groups, in the workshop area at the Coal Loader Centre for Sustainability. This will be funded through the Environment Levy. It is recommended that the space is offered free of charge to the SLoT for the trial period. This is consistent with the not for profit nature of the community group, the significant local environmental and community benefits of the proposal, as well as the value it would add in contributing to the vision and objectives of Coal Loader Centre for Sustainability.

### RECOMMENDATION:

1. **THAT** Council issue a 12-month licence agreement to enable the Sydney Library of Things to operate a community tool library trial as detailed within the report.
2. **THAT** Council receive a follow up report on the completion of the 12-month tool library trial.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

### 24. RESOLVED:

1. **THAT** Council issue a 12-month licence agreement to enable the Sydney Library of Things to operate a community tool library trial as detailed within the report.
2. **THAT** Council receive a follow up report on the completion of the 12-month tool library trial.

### **8.17. New Application for Reference Group Membership**

**AUTHOR:** Josh Jongma, Governance Coordinator

The purpose of this report is to seek approval of Council for an application received for the Sport and Recreation Reference Group citizen membership.

Mr Daniel Martinez has applied to join the Sport & Recreation Reference Group as a Citizen Member.

**RECOMMENDATION:**

1. **THAT** the application from Mr Daniel Martinez for citizen membership of the Sport & Recreation Reference Group be accepted.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**25. RESOLVED:**

1. **THAT** the application from Mr Daniel Martinez for citizen membership of the Sport & Recreation Reference Group be accepted.

### **8.18. North Sydney Local Planning Panel : Reappointment of experts and chairs**

**AUTHOR:** Stephen Beattie, Manager Development Services

For Council to extend the appointment of the North Sydney Local Planning Panel chair, alternate chairs and expert members until 30 June 2021.

The North Sydney Local Planning Panel has been operating since March 2018. The Panel comprises of:

- A panel chair and two alternative chairs which were approved by the Minister for Planning.
- A rotating pool of expert members which are selected from a Minister approved list of individuals who are considered to have appropriate qualifications, and
- A rotating pool of four community members who are selected by Council.

Council has recently been advised that the endorsement of the Minister approved members of the planning panel lapses at the end of February 2021. These endorsements have been extended

by the Minister and will now lapse on 30 June 2021. This will enable the recruitment of a fresh pool of experts by the Department of Planning Industry and Environment.

Council likewise needs to extend the appointment of both the minister approved chairs and experts. According to the department, this does not follow automatically from the extension of the term of tenure of the Minister appointed experts.

The cost to operate the North Sydney Local Planning Panel is fully funded within the existing budget and there will be no additional cost to extend the existing representative appointments.

**RECOMMENDATION:**

1. **THAT** the report be received
2. **THAT** the term of appointment of the North Sydney Local Planning Panel Chair, alternative chairs and expert members be extended until the first ordinary Council meeting in June 2021.

*This Item was adopted By Exception (see page 5).*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**26. RESOLVED:**

1. **THAT** the report be received
2. **THAT** the term of appointment of the North Sydney Local Planning Panel Chair, alternative chairs and expert members be extended until the first ordinary Council meeting in June 2021.

**9. Notices of Motion**

**9.1. Notice of Motion No. 1/21- Cr Mutton - Berrys Bay**

**1.THAT** Council resolves to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project, to cause land on the Western side of Berrys Bay (being lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [617m2 approx.], lots 101 and 102 in DP 1162896, lot 104 in DP 1162898 and lots 1, 2 and 3 in DP 181235) to be brought within the Waverton Peninsula Reserve (together with the Coal Loader and Carradah Park lands already within the Reserve as part of the Waverton Peninsula Reserve Trust, under the care and control of Council.

**2.THAT** Council, recognising broad community support for the concept plans provided by the Sydney Heritage Fleet for the Museum of Sydney Harbour as the base for its fleet in Berrys Bay, resolves to work with the Sydney Heritage Fleet and the North Sydney community with a view to making the concept plan a reality.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

## **27. RESOLVED:**

**1.THAT** Council resolves to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project, to cause land on the Western side of Berrys Bay (being lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [617m2 approx.], lots 101 and 102 in DP 1162896, lot 104 in DP 1162898 and lots 1, 2 and 3 in DP 181235) to be brought within the Waverton Peninsula Reserve (together with the Coal Loader and Carradah Park lands already within the Reserve as part of the Waverton Peninsula Reserve Trust, under the care and control of Council.

**2.THAT** Council, recognising broad community support for the concept plans provided by the Sydney Heritage Fleet for the Museum of Sydney Harbour as the base for its fleet in Berrys Bay, resolves to work with the Sydney Heritage Fleet and the North Sydney community with a view to making the concept plan a reality.

## **9.2. Notice of Motion No. 2/21 - Cr Mutton - Lavender Bay**

**1.THAT** Council resolve to diminish the barrier created between Watt and Quibaree Parks by the in-fill additions to the railway viaduct by:

- seeking to relocate the dinghy storage to the far western viaduct archway and
- seeking to lease the other archways from the State Governments Rail Corp as they become available,

and then removing the archway infills that have been installed over the years thereby facilitating pedestrian passage between the Parks and restore the sight lines to the foreshore from Watts Park.

A Motion was moved by Councillor Drummond and seconded by Councillor Mutton.

**1.THAT** the matter be deferred for a site visit and a further report be submitted to Council.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

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

**Against:** Councillor Beregi, Councillor Carr

**Absent:** nil



## 28. RESOLVED:

1. THAT the matter be deferred for a site visit and a further report be submitted to Council.

## 10. Confidential Matters

### Closed Session

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

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

### 10.3 Tender 11/2021 - Advertising on Selected Council Infrastructure

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

Commercial information of a confidential nature that would, if disclosed;

- a. prejudice the commercial position of the person who supplied it, or
- b. confer a commercial advantage on a competitor of the Council, or
- c. reveal a trade secret.

### 10.4 North Sydney Olympic Pool Site Handover.

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

Commercial information of a confidential nature that would, if disclosed;

- a. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- b. Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

### Public Interest

These matters are classified as confidential as they contain: information regarding 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 Motion was put and **carried**.

Voting was as follows:

For/Against 8 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Carr

**Against:** Councillor Beregi, Councillor Baker

**Absent:** nil

The recording was stopped and the meeting recommenced in Closed Session at 10:13pm.

## **Open Session**

The meeting was re-opened to the public at 11:21pm and the recording resumed.

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

### **10.1. 2nd Quarterly Property Portfolio Report 2020/21**

*This Item was adopted By Exception (see page 5).*

#### **29. RESOLVED:**

**1. THAT** the Quarterly Property Portfolio Report for the 2<sup>nd</sup> Quarter of 20/21 (October to December 2020), be received.

### **10.2. Tender for Forsyth Park Community Centre Playground Refurbishment**

*This Item was adopted By Exception (see page 5).*

#### **30. RESOLVED:**

- 1. THAT** Council accepts the tender for Play Workshop for Tender 16-2021 Forsyth Park Community Centre Playground Refurbishment.
- 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.

### **10.3. Tender 11/2021 - Advertising on Selected Council Infrastructure**

#### **31. RESOLVED:**

- 1. THAT** Council accept the tender of oOh!media Street Furniture Pty Ltd for Tender 11/2021 for Advertising on Selected Council Infrastructure – Part A: Small Format (bus shelters and comms panels).
  - 2. THAT** Council accept the tender of JCDecaux Australia Trading Pty Ltd for Tender 11/2021 for Advertising on Selected Council Infrastructure – Part B: Large Format (Billboard)
  - 3. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
  - 4. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
  - 5. THAT** the Confidential Report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.
- .

### **10.4 North Sydney Olympic Pool Site Handover.**

### **32. RESOLVED:**

1. **THAT** the meeting be adjourned until 7:00pm on Thursday 25 February 2021.
2. **THAT** advice be obtained from Senior Counsel.
3. **THAT** in obtaining advice from Senior Counsel, the brief that is provided to Senior Counsel be provided to Councillors as part of the advice.

The Meeting was adjourned at 11:24 pm.

### **Resumption of Meeting**

The Meeting recommenced at 7:04pm on Thursday 25 February 2021.

The Councillors present were Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Mutton.

The Councillors participating remotely were Councillor Drummond, Councillor Baker, Councillor Beregi.

Councillor Gunning was absent.

### **Closed Session**

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

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

#### **10.4 North Sydney Olympic Pool Site Handover.**

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

Commercial information of a confidential nature that would, if disclosed;

- a. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- b. Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

#### **Public Interest**

These matters are classified as confidential as they contain: information regarding 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 Motion was put and **carried**.

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

**Against:** Councillor Baker

**Absent:** nil

## **Open Session**

The meeting was re-opened to the public at 8:24pm and the recording resumed.

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

### **10.4 North Sydney Olympic Pool Site Handover.**

#### **32. RESOLVED:**

**1. THAT** Council approve the establishment of new leases with the current lessee of Ripples Café and Aqua Dining for a period of five years plus three by five-year options (20 years total) commencing from their re-opening post the redevelopment.

**2. THAT** the lease payment be commenced at the equivalent lease fee that applies at the early termination of current leases and be subject to annual indexation and market reviews every five years.

**3. THAT** the General Manager be authorised to finalise and enter the new leases including transitional arrangements for termination, fit out and recommencement.

**4. THAT** prior to entering any new lease relating to the North Sydney Olympic pool that Council confer with the Legal Firm advising Council on the North Sydney Olympic Pool development construction contract to ensure consistency.

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

## **11. Closure**

The Meeting concluded at 8:25pm.