



Council Chambers
23 September 2021

The **3750th MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.30pm** on Monday, 27 September 2021. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

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- 1. Opening Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and Applications for Leaves of Absence by Councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**

(Note: Agenda Items will be considered By Exception)

- 6. Mayoral Minutes**
 - 6.1 MM01: Vale Paul Oglesby
 - 6.2 MM02: Extension of Outdoor Dining License Waivers and Use of Open Spaces
 - 6.3 MM03: No Smoking Policy for Young St and Burton St Plaza
 - 6.4 MM04: Vale Jim Saad– Sixty Years a Shoemaker
- 7. Reports of Committees**
 - 7.1 Traffic Committee Minutes 3 September 2021
 - 7.2 Sport and Recreation Reference Group Minutes 16 August 2021
- 8. Reports to Council**

- 8.1 Matters Outstanding September 2021
- 8.2 Ben Boyd Road Renaming Survey Results
- 8.3 2021 Liveability Census North Sydney LGA Results
- 8.4 Community Strategic Plan Review Engagement Strategy
- 8.5 Customer Feedback and Complaints Report: January 2021 to June 2021
- 8.6 COVID 19 Impact 2021
- 8.7 Rent relief to Council tenants due to COVID 19 lockdown
- 8.8 Investment and Loan Borrowings Report held as at 31 August 2021
- 8.9 Planning Proposal 3/18 - 50-56 Atchison Street St Leonards - Post exhibition
- 8.10 173-179 Walker and 11-17 Hampden Streets, North Sydney - Draft Development Control Plan and Voluntary Planning Agreement - Public exhibition outcomes
- 8.11 The Draft North Sydney Walking Strategy
- 8.12 Jacaranda Season
- 8.13 North Sydney Olympic Pool Monthly Progress Report September 2021
- 8.14 New Application for Reference Group Membership

9. Notices of Motion/Questions with Notice

- 9.1 Notice of Motion No. 23/21 by Councillors Keen and Mutton - Addison Road Food Pantry Food Bins
- 9.2 Notice of Motion No. 24/21 by Councillors Keen and Mutton - Extension of Construction Hours 30/7/21 to 24/12/21
- 9.3 Notice of Motion No. 25/21 by Councillors Keen and Mutton - North Sydney Farmers Market
- 9.4 Notice of Motion No. 26/21 by Councillors Mutton and Keen - Precincts

10. Confidential Matters

- 10.1 Tender 24/21 - Louvres upgrade at North Sydney Indoor Sports Centre
- 10.2 Tender 25/21 - Stormwater Drainage Relining Works
- 10.3 Tender 26/21 - Newlands Lane and Brennan Park GPT Construction
- 10.4 Tender 28/21 - Seawall Restoration Works
- 10.5 Nutcote Trust - Approval of Casual Appointments

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

SUBJECT: 3750TH MEETING OF COUNCIL TO BE HELD ON MONDAY, 27 SEPTEMBER 2021

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE BY COUNCILLORS

4. CONFIRMATION OF MINUTES

THAT THE MINUTES of the previous 3749th Council Meeting held on Monday, 23 August 2021 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. MINUTES OF THE MAYOR

6.1 MM01: Vale Paul Oglesby

Many in our community will be sad to learn of the passing of former councillor Paul Oglesby on 20 August 2021. Paul was born on 27 August 1954 in Birmingham, England, moving to with his family as a child. In 1982, Paul moved to Sydney to take up a position with ABC TV. He remained with them until 1990, when he started work with the Crows Nest Centre.

In 1988, Paul was diagnosed with Multiple Sclerosis, which sparked not only challenges with his own health but a commitment to access and disability services within the community. In 1993, he lobbied for disabled access to Waverton Station and a year later joined the first North Sydney Council Access Committee.

He won an Australia Day Award in 1995 for Community Service and was elected to Council later that year, remaining on Council until 2008.

Paul's advocacy for disability issues lead to leadership roles within a number of community organisations including:

- Chair of the Board of Directors, Crows Nest Centre
- Chair and founding member, North Sydney Access Committee
- Director, North Sydney Community Centre
- Resident representative, Northern Sydney Regional Organisation of Councils
- Director of DARTS (Disabled Alternative Road Travel Service – a division of Northside Community Forum Inc.)
- State Secretary of the NSW Council for Persons With Multiple Sclerosis

Of his involvement with Council and these groups, Paul once said: "I guess I became active as opposed to political. I wasn't concerned whether it was Labor or Liberal doing the job. They just had to do it."

In 1996, Paul became wheelchair bound, but remained active and could often be seen around the area and at community events. He is credited with changing Council's understanding of disability issues and was respected for the gentle but tenacious way he ensured access and disability was considered in decision making.

Paul was kind, thoughtful and very well-liked by fellow councillors, Council staff and the wider community who would stop to talk to him when they saw him on the street. He will be greatly missed by his family and friends.

The final word should go to Paul himself: "The fact is MS is part of my life and I had to think my way around things. I think a person with a disability can do what they want".

Recommending:

1.THAT Council write to Paul's wife, Diana Moore, to convey our sincere our condolences on her loss.

2.THAT Council acknowledge the significant contribution Paul Oglesby made to the North Sydney community, especially in the area of community wellbeing, access and disability.

6.2 MM02: Extension of Outdoor Dining License Waivers and Use of Open Spaces

Council would be aware the COVID-19 pandemic has meant that cafés and small businesses in the LGA have been struggling. Talking to owners, a concern raised is how they will reimagine their businesses when the lockdown ends, and we return to the new normal.

During a Press Conference held on Sunday 12 September, Dr Kerry Chant, NSW Chief Health Officer stated, “in reality, outdoor environments, if people are keeping away from each other, are probably the safest environments”.

Dr Chant went on to provide positive messaging around outside areas including parks and beaches, highlighting that these are much safer, less risky and provide a positive impact on mental wellbeing.

This has led to owners thinking about how they can provide outside areas to service their customers, they are concerned that businesses without access to outdoor areas will be further impacted. Cafes that do not have outdoor seating arrangements to position themselves for the end of the lockdown period may find it difficult to move forward positively.

The question then raises itself as to what the Council can do to support this approach. Council is currently in the process of finishing the temporary pop-up plaza in Miller Street and temporary outdoor shared spaces in Fitzroy and Bligh Streets, Kirribilli. It should be possible to utilise these spaces and other public spaces adjacent to existing businesses to provide outdoor service areas thereby assisting small business, the community to return to normal in a safer manner and enhancing the vibrancy of the local area through spring and summer.

Recommending:

1.THAT the current waiver of outdoor license fees continues until 30 January 2022 (the end of the school holidays).

2.THAT small businesses be invited to submit expressions of interest proposing use of adjacent public spaces while ensuring pedestrian thoroughfares and public safety are maintained.

3.THAT a mechanism be put in place to expedite assessment and response to the expressions of interest on a case-by-case basis.

6.3 MM03: No Smoking Policy for Young St and Burton St Plaza

Three years ago we asked the community if they wanted our CBD to be smoke free and it was a resounding YES! Almost 80% of people who did our survey were in support of this initiative. I was proud to say that we were the first Council to introduce this progressive and fresh approach to creating

smoke free environments for our community. We had a lot of media coverage as other Councils looked to follow in our footsteps. The proposal started out as an awareness campaign until signage was installed across the CBD. Our rangers are now able to enforce the new rule. I have personally received a lot of positive feedback from people who are happy to see us take the front foot on this, as well as feedback from people who want to ensure we do what we set out to do.

It's time for us to be instigators once again. I would like to introduce a no smoking policy at Young St Plaza and the temporary Burton St Plaza. Sadly, Council has already received complaints about smoking at Young St Plaza and we have only just made this wonderful new open space permanent for the community.

I believe these public gathering spaces should be smoke free areas and signage should be erected immediately to reflect this approach. Now is the time to set the precedent of what we want our new open spaces to be and I want them to be a welcoming place.

Smoking is a choice everyone is entitled to but second-hand smoke is detrimental to everyone's health. I would hate to think that people are reluctant to visit these exciting new spaces if they are covered in smoke clouds.

Recommending:

- 1.THAT** Council create a no smoking policy for Young St and Burton St Plaza.
- 2.THAT** signage is erected to reflect this approach and it becomes enforceable.

6.4

MM04: Vale Jim Saad– Sixty Years a Shoemaker

Railway concourses are by nature cold, hard-edged impersonal spaces. Commuters rush heads down, AirPods in, intent on boarding their regular morning or evening train.

Milsons Point station has always been a bit different – warmer, friendlier and less frantic. That's because Milson's Point station, for the last sixty years, had Jim the shoemaker.

Jim Saad brought new meaning to the word *sole*-mate. He never just fixed shoes, he was the friendly face that infused the Milsons Point community with joy and jest whenever they visited his shop, Shoe Repairs and Key Cuttings.

Sadly, Mr Saad passed away last month from a heart attack, after contracting COVID-19. Tributes were left outside his shop as a testimony to the difference he made in our lives and some of them included:

"A bit cheeky but always a gentleman",

"Fond memories of Jim trying to make my size 36 shoes fit my size 39 feet. Vale Jim our friend."

(To his family) "Thank you for sharing Jim with us, we were so lucky we knew him".

"We will all miss your good cheer"

Of course, locals patronised Jim's shop for reasons more than the magic he performed to make old shoes look new again. We all went there for the jokes, smiles, banter and kind words.

Jim was born in Lebanon and arrived in Sydney Australia in 1962 at the age of 20. He started work at Milson Point Shoe Repairs & Key Cutting when he was 22 years of age. After 2 years Jim bought the business and worked there until he was 80.

He had no intention of retiring because his shop was more than just a place of work - it was a home away from home where he spent his days chatting with his regulars. Many customers lived within walking distance and others lived further afield. The daily commuters loved the convenience of this concourse shop and he often stated proudly that once a customer bought a shoe in for repair, they wouldn't go anywhere else. In fact he even made the oversized shoes for the Luna Park clowns. Jim owned the longest trading business in our LGA.

I'm sure you will all join me in sending our condolences to his family for this significant loss.

Recommending:

1. THAT Council install a small, appropriate memorial near the Milsons Point station, possibly a small tree with a plaque.

**COUNCILLOR JILLY GIBSON
MAYOR**

7. REPORTS OF COMMITTEES

7.1 Traffic Committee Minutes 3 September 2021

AUTHOR: Josh Jongma, Governance Co-ordinator

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 Traffic Committee held on 3 September 2021 for Council adoption. The minutes are attached for information.

The full reports to the Traffic Committee can be viewed at https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2021/3_September_2021

The financial implications are considered in the individual reports to the Traffic Committee.

Recommending:

1. **THAT** the information regarding Delegated Authority items be received. (5.1)
 2. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (6.1)
 3. **THAT** the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (6.2)
 4. **THAT** Council notes that despite repeated requests to Transport for New South Wales, there has been a refusal to install traffic lights at the crossing on Gerard Street at Macpherson Street. Therefore, Council must find alternative methods to improve pedestrian safety. (6.3)
 5. **THAT** Council urgently remark the pedestrian crossing at Gerard Street and Macpherson Street to make it more visible in accordance with TfNSW standards. (6.3)
 6. **THAT** the crossing at Gerard Street and Macpherson Street be included in the maintenance schedule more frequently. (6.3)
 7. **THAT** Council examine alternative methods of increasing visibility at the crossing at Gerard Street and Macpherson Street within TfNSW standards. (6.3)
 8. **THAT** Council reviews the lighting at the crossing on Gerard Street at Macpherson Street for compliance with the relevant standards for inclusion under the pedestrian safety item at the next Traffic Committee. (6.3)
 9. **THAT** Council acknowledges the on-going concern of local residents regarding the intersection of Amherst/Miller Street, and Miller Street/Palmer Street and that Council is continually engaged with TfNSW to seek a long-term solution. (6.3)
 10. **THAT** a VMS sign be placed on Amherst Street at the appropriate location determined by Council Staff to facilitate pedestrian safety at the Amherst Street/Miller Street crossing within the next 10 days. (6.3)
 11. **THAT** Council continues to lobby TfNSW to install a right turn arrow at the intersection of Amherst and Miller Street. (6.3)
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- 12. THAT** the Mayor and Councillor Keen jointly write to TfNSW requesting that they expedite a red light arrow at the intersection of Amherst and Miller Street. (6.3)
- 13. THAT** a report be provided to the Traffic Committee on the possibility of purchasing or hiring additional VMS signs. (6.3)
- 14. THAT** the information concerning Sydney Metro City & South-West Construction Update be received. (6.4)
- 15. THAT** the updates concerning Standing Item - Blues Point Road – Vehicle Noise & Traffic Issues be received. (6.5)
- 16. THAT** Council acknowledges resident concerns about increased noise since the installation of the midpoint traffic calming facility on Broughton Street. (General Business – Broughton Street)
- 17. THAT** TfNSW and Council Staff investigate alternative methods of ameliorating noise impacts on the traffic calming facility. (General Business – Broughton Street)
- 18. THAT** Council acknowledges that the 40km/hr signage will be installed in 4-6 weeks. (General Business – Broughton Street)
- 19. THAT** following installation of the signage that speed counts be taken at an appropriate time and reported to the Traffic Committee. (General Business – Broughton Street)
- 20. THAT** when Traffic flows return to normal following the lockdown a site meeting be organised with the Mayor, interested Councillors, local residents, Council Staff and representatives from Sydney Buses to gauge the impact of bus services on local streets. (General Business – Out of Service Buses)
- 21. THAT** a report be provided to the Traffic Committee on the pre-pandemic use of the 269 Bus Service. (General Business – Out of Service Buses)
- 22. THAT** Council acknowledges communication by local cyclists expressing their dissatisfaction. (General Business – Pacific Highway Shared Path)
- 23. THAT** the implementation of items 3-5 of the resolution on item 5.4 from the 23 July 2021 Traffic Committee meeting be delayed until February 2022. (General Business – Pacific Highway Shared Path)
- 24. THAT** Council immediately erects signage and footpath stencils instructing cyclists to ‘! SLOW’ and 10 kph speed advisory at this location. (General Business – Pacific Highway Shared Path)
- 25. THAT** the Mayor and Councillor Keen writes to Bike North and to all submitters on the matter to promote the intent of the resolution to change behaviours and increase awareness of pedestrians in the area. (General Business – Pacific Highway Shared Path)

7.2

Sport and Recreation Reference Group Minutes 16 August 2021

AUTHOR: Joshua Jongma, Governance Co-ordinator

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

This report presents the minutes of the last meeting of the Sport and Recreation Reference Group held on 16 August 2021. The minutes are attached for information.

Recommending:

1. THAT the Minutes of the Sport and Recreation Reference Group meeting of 16 August 2021 be noted.

8. REPORTS TO COUNCIL

8.1 Matters Outstanding September 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 up to the 23 August 2021 Ordinary Meeting of Council.

Recommending:

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

8.2 Ben Boyd Road Renaming Survey Results

AUTHOR: Ian Hoskins, Council Historian and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to advise Council on the results of the community opinion regarding the renaming of Ben Boyd Road and outlines the implications of both proceeding with renaming or retaining the street name.

On 26 April 2021, the North Sydney Council resolved to seek community feedback on renaming of Ben Boyd Road. This followed recent and widespread public discussion of the legacy of Ben Boyd, a colonial entrepreneur and Neutral Bay resident who, in the 1840s, pioneered the practice of securing cheap labour from the South Sea Islands which came to be known as 'blackbirding'. The appropriateness of the ongoing commemoration of Boyd through place names such as Ben Boyd National Park and Ben Boyd Road was part of this discussion.

In addition to gauging support for a name change, feedback was sought from those supportive of a name change on three alternate names broadly consistent with the Geographic Names Board's (GNB) naming requirements as outlined in the *Address Policy and User Manual, 2019*:

Barangaroo Road - chosen because it commemorates the Cammeraygal woman, Barangaroo, on her own land.

Neutral Bay Road - chosen because of its obvious geographic relevance. However, there is a Neutral Street in North Sydney.

Reconciliation Road - the most unique of the three alternative names.

The community was made aware of this consultation via the website, social media, Council's newsletter North Sydney News delivered to every household and a direct letter to the property owners along Ben Boyd Road and surrounding streets, including Ben Boyd Lane. Feedback could be provided via an online survey or submission.

In accordance with the Council resolution, the survey/online feedback form asked respondents whether they support renaming Ben Boyd Road, Neutral Bay - yes, no or unsure. The following table collates the total 2,318 responses received, inclusive of 2,131 survey responses and 187 submissions, indicating

that more respondents support retaining the existing road name, than support a name change. Submissions contained considered content rather than a simple statement of preference.

<i>Submission Type</i>	<i>Yes</i>	<i>No</i>	<i>Unsure/ Not stated</i>
<i>Survey</i>	978	1,132	34
<i>Submissions</i>	48	135	4
<i>Total</i>	1,026	1,267	38

This breaks down to 53.1% of survey responses against a change and 45.9% in favour; and 72% of submission responses against a change with 26% in favour. Accordingly, the report recommends the retention of the name of Ben Boyd Road.

The clear preference for retaining the name Ben Boyd Road and the implications of changing the name should be carefully considered before proceeding with any change. Many of those who opposed a name change felt very strongly about the issue. Some regarded it as an attempt to ‘rewrite’ history. Given the strength of opinion change of name will not necessarily unite or reconcile the community.

It should be noted that, should the Council resolve to apply to the GNB for a name change, there is a risk that the proposed alternative may be rejected. Furthermore, there will be implications (financial, logistical, public safety and personal) for those who live along or own property on Ben Boyd Road should the road name change. Residents and business owners would be burdened with notifying correspondents, utilities, customers etc of the change. This is time consuming and potentially costly.

With regards to the historical record, it is also the case that Council has had restored the two plaques installed in 1931. The larger of these is soon to be reinstalled with another plaque outlining the story of Boyd’s place in Australia’s historical narrative. With that, the naming of Ben Boyd Road will be put in context, and residents and visitors can decide for themselves the nature of the man and his deeds.

There are 20 Council installed street signs referring to Ben Boyd Road. The cost of replacing these in terms of materials and labour will be approximately \$6,200. There will be costs related to staff time spent altering addresses in Council’s various databases and lists. Should Council resolve to proceed with a name change, subject to GNB approval, budget would need to be allocated to this project.

Recommending:

- 1. THAT** Council retains the name of Ben Boyd Road due to the majority of respondents opposing a name change, the overwhelming opposition to a name change from Neutral Bay residents and the practical and financial burden of change that would entail for those people.
- 2. THAT** Council reconfirm its resolution of 24 May 2021 to install a third interpretive plaque near the original two.

8.3 2021 Liveability Census North Sydney LGA Results

AUTHOR: Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to present the 2021 Liveability Census results to the Council, highlighting the findings for the North Sydney local government area (LGA).

North Sydney Council participated as a Distribution Organisation in Place Score's 2021 Liveability Census, which is considered Australia's largest community-led social research project, revealing trends, values and performance data regarding liveability. The Census was conducted between 28 March and 30 June 2021.

A sound baseline for the North Sydney LGA was established, with 401 residents sharing what matters most in their ideal neighbourhood (care factor/community values) and 380 residents rating the suburb in which they live (performance), achieving a 95% confidence level (+/- 5%), which is consistent with the sample size/confidence level of our *Customer Satisfaction Survey*.

Attachment 1 provides the high-level summary results for the North Sydney LGA in context of national and state insights. While the objective was not to rank LGAs, each is given a place experience (PX) score out of 100. North Sydney LGA achieved a PX score of 75/100, which is higher than the national average (68/100), every State and Territory (NSW 70/100) and City of Sydney (74/100). This report details the place attributes (liveability) strengths and weaknesses for the North Sydney LGA. The 2021 Census results provide third party validation to Council's long-term planning. The Census results, together with the 2021 Customer Satisfaction Survey results, will be used to inform the upcoming review of the *North Sydney Community Strategic Plan*, as well as targeted service planning across the organisation.

A total of \$952.50 was spent promoting the Census within the North Sydney LGA (paid from 2020/21), and \$2,000 for two additional pages/graphs within the Report (paid from 2021/22).

Recommending:

1. THAT the 2021 State of Place Report for the North Sydney LGA be received.

8.4 Community Strategic Plan Review Engagement Strategy

AUTHOR: Jenny Gleeson, Manager Corporate Planning and Engagement

This report sets out the statutory responsibilities of Council in reviewing the Integrated Planning and Reporting (IP&R) suite of plans and seeks endorsement of the Community Engagement Strategy to guide the review of the North Sydney Community Strategic Plan. The strategy outlines the proposed engagement process and timeframes.

The revised IP&R Guidelines and Handbook were released by the NSW Office of Local Government on 7 September 2021, together with Circular 21-28. The Circular detailed the key changes in IP&R requirements following commencement of a number of amendments to the *Local Government Act 1993* (the Act) and the *Local Government Amendment (Governance and*

Planning Act) 2016, which were initially notified in 2016. The provisions have now commenced and are applicable to Council's next suite of IP&R plans. The changes in the Act reinforce the pivotal role of the IP&R framework in guiding all council planning and decision making.

In accordance with legislative requirements, following each local government election the Council must review its IP&R suite of plans. The newly elected Council must complete the review, inclusive of the preparation and adoption of the following components, by 30 June 2022:

- a) Community Strategic Plan
- b) Delivery Program
- c) Resourcing Strategy.

It is noted that despite the deferment of the election there have been no changes to the IP&R timeframes. The recent release of the revised guidelines and the delay in the conduct of the election has impacted the available time for engagement.

North Sydney Council has for almost 30 years had a long-term strategic plan in place, which has evolved into the *North Sydney Community Strategic Plan* last adopted in 2018. Given the time constraints, it is proposed that the Community Strategic Plan be refreshed rather than be replaced by a completely new plan. Attachment 1 details the proposed engagement strategy for this review of the Community Strategic Plan. The Strategy's intended audience is the community/external stakeholders. To ensure adequate time is provided for stakeholder consultation, it is recommended that engagement commence from October 2021. This ensures that the proposed feedback stages can be accommodated by June 2022, and aims to equip the incoming Council, with the community's input and internal prioritisation of resources/existing commitments. This information will be used to finalise preparation of the draft Community Strategic Plan, Resourcing Strategy and Delivery Program.

Attachment 2 provides a high-level overview of how and when the key stakeholders will be engaged in the various phases of the IP&R Review.

It is recommended that the Community Engagement Strategy set out in Attachment 1 be adopted.

\$25,000 for engagement/promotion has been allocated for the IP&R Review in the 2021/22 budget. It is intended that any funds not spent on engagement will be used to implement a marketing plan, to instilling widespread awareness of the Community Strategic Plan after it is adopted.

Recommending:

1. THAT the Council adopt the Community Engagement Strategy to inform review of the Community Strategic Plan and note the preparation timetable.

8.5 Customer Feedback and Complaints Report: January 2021 to June 2021

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

To provide a summary of the complaints, both justified and partially justified, and compliments received during the period 1 January to 30 June 2021.

This report compares the number of complaints to the total number of customer contacts Council received for the period January 1 to 30 June 2021, summarised below:

- total number of customer contacts - 38,004
- number of compliments - 60
- number of complaints - 30 (50% considered justified or partially justified)

Council's *Complaints Handling Policy* is currently being reviewed to ensure alignment as appropriate to the model policies and guidelines issued by the NSW Ombudsman.

Recommending:

1. THAT the Customer Feedback and Complaints Report: 1 January to 30 June 2021 be received.

8.6 COVID 19 Impact 2021

AUTHOR: Margaret Palmer, Director Corporate Services and Darren Goode, Manager Accounting Services

The purpose of the report is to provide the Council with an update on the continuing impact of COVID-19 on the current financial year with the focus being on emerging trends forecast to 31 December 2021. It also details some of the changes made to the operations of the Council to support the North Sydney Residents.

The information contained within this paper covers the likely financial impact of the continuing COVID-19 on the 2021/22 financial year, the paper focusses on the period to 31 December 2021 as beyond this it is uncertain if the trends will hold. There is still uncertainty regarding the timing of coming out of lockdown and the timeframe when, or if, operations will return to normal.

It draws upon the information available at time of writing and provides a preliminary review of the income and expenditure trends emerging from various areas across Council. As further information becomes available it will be detailed in the Quarterly Budget Review papers.

The September Quarterly Budget Review is likely to forecast a revenue shortfall of approximately \$5.71 million to 31 December 2021. This is further detailed in the body of the report.

The main impacts have been in the closure of facilities and the impact of the shutdown on local businesses and cafes and parking revenue. Impact on major contracts is contained in separate Council report (Item 8.07).

The current estimated financial implications are detailed throughout the body of this report; and will be further reported upon in the September Quarterly Budget Review.

Recommending:

1. THAT the Council note the information contained within the report.

8.7 Rent relief to Council tenants due to COVID 19 lockdown

AUTHOR: Albert Lo, Manager Property Assets

This report is to update Council on the latest Rent Relief Package that has been offered to Council tenants due to the impacts that the COVID-19 Public Health Orders have had on their business.

Since the start of the COVID-19 Pandemic Crisis in March 2020, North Sydney Council has come to the aid of its commercial tenants, in particular café and restaurant owners with the introduction of Council's Waiving Charges During Novel Coronavirus (COVID-19) Policy (D5-49) which was introduced on 25 March 2020. This Policy was designed to address the financial hardship for several lease and license holders in Council's Property Portfolio because of the Federal Government mandated restrictions which forced businesses to close on 20 March 2020. Council's Waiving Charges During Novel Coronavirus (COVID-19) Policy was phased out in November 2020 when Council adopted the National Cabinet Mandatory Code of Conduct – Small to Medium Enterprise (SME) Commercial Leasing Principles During COVID-19 and the NSW governments "Retail and Other Commercial Leases (COVID-19) Regulation 2020.

Now that the new COVID-19 Delta strain outbreak has again required State and Federal Government intervention through the introduction of strict Public Health Orders which have forced businesses to close, Council is again responding to a number of requests for Rent Relief from its commercial tenants. These latest Health Orders which came into effect on 26 June 2021 have either forced some businesses to partially close or significantly reduce their ability to operate, café and restaurant businesses are impacted the most. It is recognised that in the short term this package will reduce Council's Revenue in the Property Portfolio, however the overall objective of this package is to ensure that Council's tenants will not face prolonged financial hardship that may cause them to close and vacate the premises they lease from Council increasing Council's overall vacancy rate in what is currently a very weak commercial leasing market.

This report is updating Council on what has been offered to Council's commercial tenants in the latest Rent Relief Package and to also inform Council that the Mayor and General Manager have used their delegation of authority adopted by Council on 4 December 2017 to authorise the Rent Relief Package. The approach is consistent with National Cabinet's Mandatory Code, previously adopted by Council.

The forecast revenue forgone through Council's latest Rent Relief Package being offered to its Commercial tenants is expected to be approximately \$107,000 per month. The Rent Relief package being offered is in the form of a rental waiver based on the percentage loss (%) in businesses revenue since the latest government lock down orders came into place on 26 June 2021. For the 6-month period, the total financial support package provided by Council will likely reduce the rental revenue in Council's Property Portfolio by \$642,000.

Recommending:

1. THAT the report be received.

8.8 Investment and Loan Borrowings Report held as at 31 August 2021

AUTHOR: Asif Ali, Manager Financial Services

The report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 August 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 31 August 2021 had a market value of \$89.0 million, with an annualised return of 1.33% for the year to date, 1.30% above the reportable BBSW Bank Bill Index of 0.03%.

Cash deposits at call total \$44.7 million much of which is rates paid in advance. Steps were taken in August to invest and reduce the cash deposit at call balance before end of August 2021. Recommendations were sought from our investment advisors who advised to establish a new Cash Management Accelerator Account with the Macquarie Bank that will generate interest income of 0.40% p.a. for balances up to \$10 million and 0.20% p.a. on every dollar above \$10 million. Council staff lodged the account opening application documents with the Macquarie bank on 23 August 2021. It was expected that the new account setup will take about 2 to 3 business days but unfortunately, the new account setup with the bank has proven to be a lengthy and convoluted process as the bank took almost 4 weeks with the account being activated only on 21 September 2021. A Cash balance transfer to the Macquarie Cash Management Accelerator Account was completed by the Council staff on the same day bringing the cash deposit at call total to \$23 million as at 21 September 2021.

The investment portfolio is managed to ensure liquidity to meet operational requirements and to fund outflows to major project. Cashflow being monitored and assessed on an on-going basis.

The actual returns for cash and investments for the year to date as at 31 August 2021 were \$198,724 which was \$15,391 more than the year-to-date budgeted estimate. The medium-longer term outlook for financial markets indicate that the RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached and that rate rises are not expected until at least 2024.

Historically, returns on cash (i.e. "at call" accounts) and short-term investments have been quite strong. However, with the low official cash rate, market variability in monthly returns may mean the short to medium term investment returns could be flat or potentially slightly negative. The capacity for Council staff to invest in a manner that meets liquidity requirements whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) is increasingly limited. However, the best available returns are still actively sought when surplus funds are invested.

Borrowings:

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 31 August 2021 is \$7,037,040.24. Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool.

Council's total investment portfolio performance for the financial year to date is 1.30% above the benchmark (1.33% against 0.03%). The actual returns for cash and investments for the year to date as at 31 August 2021 were \$198,724 which was \$15,391 more than the year-to-date budgeted estimate.

The budgeted investment returns over the medium term needs to reflect the current low interest rate environment which is likely to continue over the next financial years.

Investment returns will continue to be monitored and reported to ensure the estimate is consistent with the actual returns.

Recommending:

1. THAT the report on Investments and Loan Borrowings held as at 31 August 2021 be received.

8.9 Planning Proposal 3/18 - 50-56 Atchison Street St Leonards - Post exhibition

AUTHOR: Katerina Papas, Strategic Planner

The purpose of this report is to present the outcomes of the public exhibition of a Planning

Proposal and accompanying draft Voluntary Planning Agreement (VPA) for 50-56 Atchison Street, St Leonards. The report seeks Council's endorsement to forward the Planning Proposal to the Department of Planning, Infrastructure and Environment with a request that the Plan be made and to finalise the VPA with the view to have it in force prior to the gazettal of the LEP amendment.

On 27 July 2020, Council resolved to support a Planning Proposal (PP3/18) to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 50-56 Atchison Street, St Leonards.

The Planning Proposal seeks to:

1. increase the maximum height of buildings control from 20m to 56m (16 storeys);
2. impose a maximum Floor Space Ratio (FSR) of 6.4:1;
3. increase the minimum non-residential FSR from 0.6:1 to 1.7:1; and
4. introduce a site-specific provision allowing a lift overrun (to provide access to communal open space at the rooftop) to exceed the maximum height of buildings control to a maximum building height of 58.1m.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) which would provide a 5.6m wide and 7.2–7.5m high pedestrian through-site link from Atchison Street to Atchison Lane with an easement for public access; and a monetary contribution of \$1.4 million to Council for open space upgrades within the St Leonards and Crows Nest Precinct.

On 15 March 2021, a delegate to the Minister for Planning issued a Gateway Determination, enabling the Planning Proposal to proceed to public exhibition subject to meeting a number of conditions.

On 26 March 2021, Council sought further clarification from the DPIE on the conditions of the Gateway Determination, in particular Condition 1(c) which requested the proposal be updated prior to exhibition to clarify that the Special Infrastructure Contribution (SIC) will apply in addition to any negotiated VPA. Council wrote to the DPIE on 12 April 2021 requesting an exemption from the SIC on the basis of there being a duplication between the public benefits proposed under the draft VPA and SIC Plan, in relation to Hume Street Park. Council is yet to receive a response from the DPIE in relation to the application of the SIC to this site.

The Planning Proposal and accompanying draft VPA were placed on public exhibition from Monday 19 July to Monday 16 August 2021. The exhibition period was extended by a further two weeks until 30 August 2021, to allow further time for submissions given the current Covid restrictions.

A total of 12 submissions were received, including 2 relating to other development proposals (either under assessment or already approved by Council) on adjacent sites. Notwithstanding, the issues raised could be equally relevant to the subject proposal and have therefore been considered in this report. A total 5 submissions were received from local residents objecting to the proposal and 7 submissions raised no objection (public agencies).

The proposal has attracted a number of objections relating to amenity impacts (overshadowing, noise, wind, environmental and traffic impacts). It needs to be recognised that the precinct is undergoing significant change. The St Leonards and Crows Nest area is identified as a 'strategic centre' through a suite of high-level planning documents, including the Greater Sydney Regional Plan and North District Plan, and there is an opportunity to renew, activate and manage growth within the precinct through the delivery of the desired objectives and outcomes as outlined within the *St Leonards and Crows Nest 2036 Plan (2036 Plan)*.

The issues raised, when critiqued against the 2036 Plan and broader context of the St Leonards and Crows Nest area, are not considered sufficient to warrant an amendment to the Planning Proposal. The Planning Proposal is generally consistent with the outcomes of the 2036 Plan. Concentrating appropriate height and density near highly accessible mass transit nodes, employment and services, is more sustainable and desirable than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.

It is recommended that Council resolves to forward the Planning Proposal to the DPIE with a request that the Plan be made.

Should the draft VPA be executed, it will result in various in-kind and monetary contributions to Council, including:

1. provision of a 5.6m wide and 7.2-7.5m high pedestrian through-site link from Atchison Street to Atchison Lane, with an easement for public access between 6am and 11pm; and
2. a monetary contribution of \$1.4 million to Council for open space upgrades within the St Leonards and Crows Nest Precinct.

Recommending:

1. **THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Revised Planning Proposal (Attachment 3) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.
2. **THAT** Council finalise the Voluntary Planning Agreement with the view to have it in force prior to the gazettal of the LEP amendment.
3. **THAT** Council write to the Minister for Planning seeking an undertaking to exempt this site, in the same manner that the Minister acted for 23-35 Atchison Street, from the application of any Special Infrastructure Contributions (SIC) on the basis of the delivery of defined public benefits within this Voluntary Planning Agreement.
4. **THAT** Council notify all submitters of its decision.

8.10 **173-179 Walker and 11-17 Hampden Streets, North Sydney - Draft Development Control Plan and Voluntary Planning Agreement - Public exhibition outcomes**

AUTHOR: Neal McCarry, Team Leader - Policy

To report to Council the outcomes of the public exhibition of a draft Development Control Plan (DCP) and draft Voluntary Planning Agreement (VPA) in relation to the future re-development of 173-179 Walker and 11-17 Hampden Streets North Sydney.

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 173-179 Walker Street and 11- 17 Hampden Street, North Sydney to achieve the following:

- Increase the maximum building height from 12m to RL133 (approximately 62- 72m of additional height)
- Establish a minimum floor space ratio of 6.1:1
- Introduce a new special provision relating to overshadowing, and
- allowance for maximum height (RL 148) and FSR greater than the above associated with amalgamation of all lots within the site.

Council refused the Planning Proposal in August 2019 and the applicant subsequently lodged a Rezoning Review with the Department of Planning, Infrastructure and Environment (DPIE).

The Rezoning Review was considered and subsequently supported by the Sydney North Regional Planning Panel (SNRPP), contrary to Council's position. The resulting amendment to the LEP was recently made by DPIE and came into effect on 31 August 2021. The amendment applies a maximum building height of RL 148 (approx. 29 storeys) on the portion of the site known as 179 Walker and 11 Hampden Street.

Council resolved to prepare a draft Development Control Plan (DCP) and Voluntary Planning Agreement (VPA) for the site. The draft DCP and VPA were exhibited between 26 July – 23 August 2021. In response to the public

exhibition of the draft DCP and VPA, 34 submissions were received. The majority of concerns raised related to issues more closely associated with the Planning Proposal including; building height, view loss, development density, traffic generation and a poor planning process.

Whilst Council has previously objected to the proposal and made representations to the SNRPP, DPIE and the Minister for Planning, the provision of site-specific development controls may help mitigate some of the impacts of any future built form arising on the site as a result of the Planning Proposal. The proposed Voluntary Planning Agreement will deliver the provision of affordable housing and a monetary contribution (\$3.1-3.3million) towards the delivery of local infrastructure.

It is therefore recommended that the draft amendments to the DCP, as exhibited be adopted by Council and the VPA be executed. It is noted that the site has recently changed ownership. The new owners has written to Council advising that they would be willing to enter into the negotiated VPA and deliver on its commitments.

There will be relatively minor expenses arising with respect to the implementation of the DCP amendment. These can be funded through existing operational budget lines. The draft VPA is to provide dedication of affordable housing units and a monetary contribution of \$3.1-\$3.3 million towards the provision of community infrastructure.

Recommending:

1.THAT in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, Council adopts the amendment to North Sydney Development Control Plan 2013 forming Attachment 1 to this report.

2.THAT in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the adopted amendment to North Sydney Development Control Plan 2013 be forwarded to the Planning Secretary of the Department of Planning, Industry and Environment.

3.THAT Council resolve, upon updating new ownership details, to enter into the Voluntary Planning Agreement with the view to have it in force as soon as practicable.

4.THAT Council notify all submitters of Council's decision.

8.11

The Draft North Sydney Walking Strategy

AUTHOR: Nigel Turner, Senior Strategic Transport Planner

To seek endorsement of the attached *Draft North Sydney Walking Strategy* for the purpose of public consultation.

On 24 February 2020, Council considered Mayoral Minute MM04: *Prioritising Pedestrians* and resolved that staff prepare a report on options for improving our focus on pedestrian needs and that the report considers how to ensure that all voices are equally heard when balancing the needs of pedestrians, cyclists, public transport users and motorists. In July 2020, Council resolved to allocate funding to prepare the North Sydney Walking Strategy.

The *North Sydney Walking Strategy* (NSWS) will be Council's guiding document for the delivery of its walking planning and management functions. This includes strategic planning, walking advocacy and the design and delivery of local walking projects. The draft NSWS builds on the Vision and Community Priorities detailed in the *Community Strategic Plan* and the *North Sydney Transport Strategy* (NSTS 2017) to create an over-arching walking planning and management framework for the whole of Council. More specifically, the NSWS:

- identifies existing conditions and participation rates for walking in North Sydney;
- identifies a Vision as well as specific Objectives and Targets for walking in North Sydney; and,
- plots a course between current walking behaviours and the future walking vision by identifying and prioritising walking initiatives and projects for inclusion in Council's policy development, advocacy and forwards works program.

This report details the draft NSWS development completed to date and recommends its adoption as well as the associated Background Report for the purpose of community consultation.

Increased walking participation achieves a financial trifecta. Not only does it provide significant cost savings for individuals in terms of up-front transport cost savings and longer-term health savings, it also increases local spending, stimulates business activity and, as an added benefit, reduces Councils' transport infrastructure maintenance costs.

SCT Consulting prepared a Walking Strategy Background Report (attached) that formed the basis for the development of the draft Strategy. \$53,000 of the \$60,000 funding allocation for this work has been expended to date.

Recommending:

1. THAT the attached Draft Walking Strategy is endorsed for the purposes of community consultation.

8.12 Jacaranda Season

AUTHOR: Robert Emerson, Director Open Space & Environmental Services

This report responds to a Mayoral Minute (Min No.179)

Each year between September and November the jacarandas that line both sides of McDougall Street in Kirribilli come into flower for a period of approximately 6 weeks. This seasonal occurrence, which generally peaks around mid-November, has become a growing attraction for local North Sydney residents and tourists in recent years who wish to photograph themselves amongst the jacarandas which form a spectacular flowering avenue for the length of McDougall Street adjacent to Milson Park.

On 30 November 2020 based on a Mayoral Minute the Council resolved:

1. THAT a report be presented to Council early in 2021 with options for increasing the Jacaranda footprint in the North Sydney local government area,

low-cost ways to improve crowd management and recommendations for encouraging local businesses to support the Jacaranda season.

The cost of crowd management tasks identified for the six-week Jacaranda season in McDougal Street is approximately \$6,000.

The cost of the proposed Kirribilli Jacaranda tree give away during the month of November to a maximum 300 trees would be approximately \$4,500

As none of the above items are currently funded in Councils Operating Budget, should Council resolve to proceed with the identified options an allocation of funding would need to be provided as additional funding or funds reallocated from other planned projects which then may not be able to proceed.

Recommending:

1.THAT Council undertakes the crowd management actions identified within the report for the 2021 Jacaranda flowering season in McDougal Street.

2.THAT Council staff identify suitable locations for further Jacaranda Street tree plantings within the streets of Kirribilli, consult with the community and undertake additional planting where possible.

3.THAT Council increase the number of Jacaranda in Kirribilli through offering residents through the month of November the opportunity to receive a of small Jacaranda tree from Council if they are prepared to plant it on their property. Number of trees limited to 300.

4.THAT post the COVID 19 pandemic Council considers opportunities to promote and celebrate Jacaranda season in Kirribilli

8.13 North Sydney Olympic Pool Monthly Progress Report September 2021

AUTHOR: John Thomson, Corporate Contracts Manager

The purpose of this report is to provide Council with a high-level report on the progress of the redevelopment of the North Sydney Olympic Pool.

At its meeting of 26 July 2021, Council resolved as follows:

1. THAT the General Manager provide a high-level update/report on the progress of the redevelopment of the North Sydney Olympic Pool to each Council meeting until the redevelopment is completed.

2. THAT Council notes that this report does not alter the governance structure of the project.

This report is the second report which responds to this resolution. This report details Progress since the last Council meeting held on 23 August 2021.

The financial position of the project is reported through the Quarterly Governance report which will be reported up to Council at the November Meeting.

Recommending:

1. THAT the report be received.

8.14 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. Sarah Dawes has applied to join the Sport & Recreation Reference Group as a Citizen Member. It is recommended that the application be accepted. There are no financial implications associated with this report.

Recommending:

1. THAT the application for Ms Sarah Dawes to join the Sport and Recreation Reference Group as a citizen member be accepted.

9. NOTICES OF MOTION

9.1 Notice of Motion No. 23/21 by Councillors Keen and Mutton - Addison Road Food Pantry Food Bins

1. **THAT** Council urgently supports the project and provides a number of drop off sites for food donations from residents and businesses in the North Sydney LGA.
2. **THAT** Council work with major supermarket chains in the LGA to allow food bins to be set up at the entry /exit of the supermarket to facilitate food donations.
3. **THAT** Council acknowledge the volunteers in our community by supporting the delivery of donations to Marrickville.

BACKGROUND (as provided by the submitters)

Addi Road Food Pantry was launched in response to growing inequality and environmental concerns in 2016. It has expanded from humble beginnings in an old shipping container to a mini-mart with fridges and freezers under a solar panel-covered roof.

Among other community initiatives the centre has been providing food relief hampers which has expanded and intensified over the last year. Addi Road has made and distributed thousands of emergency hampers to many families during the challenging months of the pandemic and especially during the lockdown periods.

Addi Road has been recognised by City Hub as a “grassroots organisation” that “manages a distinct heritage site, providing a local space that cares for its community and environment.” City Hub especially recognized the food rescue and food relief work that they do.

Right now, Addi Road is serving as a linchpin between the larger food relief organisations and a plethora of civil society groups, charity and community organisations and making sure people across the inner west, the city, the east and the south west of Sydney have food on their table tonight. During lockdown people is a time when people can feel frightened, alone, without work and without money.

We believe this is worthwhile cause to gain the support of our community. There are a number of volunteers in this area who have set up food collection boxes in a few locations and these individuals empty the boxes and take the food to Marrickville to be packed and sent to people in need even as far as Western NSW.

A/Director Community & Library Services comment

Major supermarkets in the local area were contacted, and they advised that they already have food donation programs in place and therefore would not be interested in setting up food bins. Local major supermarkets work with local food relief organisations run by volunteers to larger organisations such as Foodbank, OzHarvest, FareShare and Second Bite.

There are local organisations that volunteers in our community can support such as Crows Nest Centre which provides a Meals on Wheels service supported by two employees and 35 dedicated volunteers. The Centre also has volunteers who assist people with shopping. Older people can phone through their shopping list to the Crows Nest Centre and volunteers order the items online and arrange delivery.

Other local community organisations that are collecting and distributing food and that might welcome volunteers and/or food donations are:

- St Vincent de Paul in Alexander St, Crows Nest which maintains a foodbank
- Sydney Community Services based in Lane Cove collects and distributes food

The capacity for Council to establish a separate service/food donations collection would be challenging given the strains on existing staff resources and the public health stay at home orders impacting staff attendance. It would also duplicate existing volunteer organisations and arrangements already in place through the major supermarkets and community organisations as outlined in this response.

9.2 **Notice of Motion No. 24/21 by Councillors Keen and Mutton - Extension of Construction Hours 30/7/21 to 24/12/21**

1. THAT Council write to the Minister to request a repeal on the Order (No 3) 2021 especially in the lockdown situation.

BACKGROUND (as provided by the submitters)

The Environmental Planning and Assessment (COVID-19 Development - Construction Work Days) Order (No 3) 2021 was signed by The Honourable Rob Stokes MP, Minister for Planning and Public Spaces on 30 July 2021.

The Order appears to supersede Council regulations aimed at protecting North Sydney residents from building and construction noise on Saturday afternoons, Sundays and public holidays.

The noise provisions in the Order are sadly inadequate. While rock breaking, rock hammering, sheet piling, pile driving are prohibited on weekends, there remains incessant noise aggression from hammering, drilling, wood cutting, sanding, blaring of music and the likes, seven days a week.

Director City Strategy comment

Covid-19 Development - Construction Work Days Order

The Environmental Planning and Assessment (COVID-19 Development - Construction Work Days) Order (No 3) 2021 commenced on 30 July 2021 and remains in force until 24 December 2021, which allows construction works to occur on a Saturday, Sunday or public holiday during the hours of work

specified for the weekday in the development consent. This is typically 7am to 5pm.

As set out in the Order, while it permits additional construction work to take place on the weekends, it requires that all feasible and reasonable measures to minimise noise are taken. In addition, it does not allow the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities. However it does not restrict development consents that already permit construction or demolition work on weekends.

Development types under the Construction Work Days Order applies to:

- Development applications approved under Part 4 of the Environmental Planning and Assessment Act 1979.
- Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Significant Developments

Covid-19 Development - Infrastructure Construction Work Days Order

Extended construction work days and hours for development authorised under the Environmental Planning and Assessment (COVID-19 Development - Infrastructure Construction Work Days No.2) Order 2020 continues and applies to the following development types:

- State significant infrastructure projects (including critical state significant Infrastructure)
- other public authority activities already assessed under Part 5 of the Environmental Planning and Assessment Act 1979

As set out in the Order, on weekends and public holidays during the COVID-19 pandemic, construction hours have been extended to the same hours normally allowed on weekdays. However, construction sites must take all feasible and reasonable measures to minimise noise and noisy works. Rock breaking, rock hammering, sheet piling, pile-driving or similar activities are not permitted on weekends and public holidays unless an existing consent or approval already allows these works to occur on any of the extended days. The Order will be in place until the end of the prescribed pandemic period.

The effects of Covid-19 are felt by our residents and no-one wants to live or work next to a noisy building site but the Government considers the extended construction hours necessary to ensure workers can practise social distancing and allow construction work to continue safely. The potential advantage to these extended construction hours for NS residents are that projects could complete quicker, reducing construction impacts time.

To date the number of complaints Council received relating to the extended construction hours are not very many at around 18 over the last two months that includes construction on the road, Sydney Metro and Western Harbour Tunnel/Warringah Freeway Upgrade projects. Noting that around 40% of these complainants were not aware of the extended hours when contacting Council and generally satisfied after advised of the new rules.

Notwithstanding the above, if a resident considers there is a genuine reason they are affected by unreasonable construction noise and the matter cannot be resolved with the construction site directly, Council's Ranger's and Building

Compliance team will investigate if the noise mitigation measures are being complied with and respite period can even be negotiated.

9.3 **Notice of Motion No. 25/21 by Councillors Keen and Mutton - North Sydney Farmers Market**

1.THAT Council looks at ways to open up North Sydney & Kirribilli Markets in a COVID safe way.

BACKGROUND (as provided by the submitters)

North Sydney and Kirribilli Markets have been closed since the recent lockdown has been in place. Markets are approved to operate by the State Government and many are still operating in a COVID safe way. Many North Sydney residents would like to see both the markets back and operating.

A/Director Community and Library Services Comment

The Kirribilli markets are non-food markets and the current Public Health Order only permits food markets to operate.

North Sydney Community Centre have been liaising with Council regarding holding the Northside produce markets. To support the Centre, Council contacted NSW Health and discussed the markets. These discussions concluded:

- While the food market may be allowable strictly speaking under the Health orders, it is not within the spirit of what they are trying to achieve and not preferable at this time.
- The health order allows for essential food providers, while the Market is certainly a food provider, is it genuinely essential when we have permanent food retailers in situ?
- NSW Health are trying to minimise movement at the moment– the fact that the stall holders are travelling significant distances from regional NSW is contrary to this objective.
- NSW is concerned with the vulnerability of regional towns – there is a risk with stall holders (who will be exposed to the possibly large number of attendees) taking COVID back with them.
- NSW Health is trying to minimise exposure to essential grocery shopping, limiting it to one attendee per household and encouraging them to attend with a list get what they need and go home. Markets by their nature encourage browsing.
- NSW Health is trying to discourage movement within the metropolitan area – markets are an event that encourage movement and congregation.
- We would be reliant on the honesty of attendees and attendees doing the right thing in respect to where they come from.

This advice was shared with North Sydney Community Centre and it was decided to put the market on hold and review it again at the end of lockdown.

9.4 Notice of Motion No. 26/21 by Councillors Mutton and Keen – Precincts

1. **THAT** Council resolves that Precinct Committees may determine, without reference to Council:

- the matters that are to be discussed at their meetings; and
- who is to be invited to address their meetings.

2. **THAT** Council resolves that during the Regulated Election Period defined in s4 of the Electoral Act 2017 (NSW) for an election of Councillors to North Sydney Council a member of a Precinct Committee who nominates in an election of Councillors:

- will stand down from the office held until the poll is declared and
- may during the period of stand down attend meetings of the Precinct Committee and participate in discussions that are held.

BACKGROUND (as provided by the submitters)

Back in 1972 North Sydney Council first put in place the mechanism to foster participatory democracy.

- We called it the *Community Precinct System*;
- The North Sydney's local government area was divided into (now) 26 precincts (not all active at all times) - each with its own Precinct Committee elected by its members.

Precinct Committees make recommendations to Councillors and to Council. Precinct meetings provide open forums - anyone can attend and join in on discussions on community issues. The collective views are reported to Councillors and the Council.

Two factors are serving to increase the importance of the recommendations that come through the Precinct System –

- The reduction of the number of Wards (from 3 to 2), by increasing the size of the electorate served to further distance Councillors from individual voters.
- The lack of media coverage of Council meetings makes it harder for voters to be informed about Council's activities

It is important, critically important, that Precinct Committees operate independently of Councillors and the Council. So important that Councillors should by resolution make clear the role and the independence of the Precinct Committees – for this reason we have given notice for the above Motion to be considered at the next meeting of Council.

Executive Manager Governance's Comment

At its meeting held 28 June 2021, Council resolved to defer consideration of the Precinct System Review until after the conduct of the election. The report on the review set out numerous recommendations for consideration by Council including some which would amend the operation of the Committees.

A piecemeal approach to determining the operation of the Precinct Committees given the deferral of consideration of the review is challenging to administer and manage.

Precinct Committees are currently able to consider items without limitation and this is set out in the Precinct System Policy at point 4.4:

4.4 Terms of Reference - Committees may consider without limitation, all:

- a) Council's annual budget
- b) Council policies
- c) Development applications
- d) Parks use proposals
- e) Plans of Management
- f) Road closures and traffic management proposals
- g) Zoning proposals; and
- h) Any other matters deemed to be of interest or relevance by participants.

Almost all Committees have been providing their Agendas to Council prior to the meetings for some time, usually by submitted their flyer invites for printing. This allows the provision of information to the Committees by Council relevant to agenda items. It also facilitates staff providing further information regarding consultation and engagement opportunities.

At its meeting held 28 June 2021, Council resolved that Candidates are able to participate fully in Precinct Committee meetings. As part of the discussion at the meeting it was explicitly stated that the motion (later resolution) did not interfere with the directive that Office Bearers running for election need to step down.

OLG Circular 21/12 "Electoral matter:" and use of Council resources prior to local government elections provides that Council officials must not use council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised and proper payment is made where appropriate.

The Code of Conduct states at clause 8.17 that:

You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

Council resources are directed to the support of Precinct Committees. It is for this reason that office bearers standing for election are asked to temporarily step. The requirement for Council resources, including meeting venues, not to be used for election purposes applies for the entire duration and not just for the regulated period applying to election material.

10. CONFIDENTIAL MATTERS

10.1 Tender 24/21 - Louvres upgrade at North Sydney Indoor Sports Centre

AUTHOR: Albert Lo, Manager Property Assets

This report is to provide Council with an analysis and recommendation of the tender process for Tender 24 / 2021 for Ventilation Louvres upgrade at North Sydney Indoor Sports Centre.

Tenders were called and were received until *3pm on 18 August 2021* for the submission of tenders to undertake *the Ventilation Louvres upgrade work at North Sydney Indoor Sports Centre*.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) of the Local Government Act (LGA), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This project is funded by the 2020/2021 and 2021/22 Property Capital Works Budget.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 24 / 2021 for Ventilation Louvres upgrade at North Sydney Indoor Sports Centre.

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

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

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

10.2 Tender 25/21 - Stormwater Drainage Relining Works

AUTHOR: Jim Moore, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 25/2021 for *Stormwater Drainage Relining works*.

Tenders were called and were received until 3pm 1 September 2021 for the submission of tenders to undertake *Stormwater Drainage Relining works*.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) of the Local Government Act (LGA), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Funding for the project was included in the 2021/22 budget for construction works. Refer to the funding description section of this report.

Note: This project is partially funded through the Special Rate Variation (SRV) for 2021/22.

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 25/2021 for *Stormwater Drainage Relining works*.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.3 Tender 26/21 - Newlands Lane and Brennan Park GPT Construction

AUTHOR: Jim Moore, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 26/2021 for Newlands Lane and Brennan Park GPT construction works.

Tenders were called and were received until 3pm 25 August 2021 for the submission of tenders to undertake the Newlands Lane and Brennan Park GPT construction works.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) of the Local Government Act (LGA), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Funding for the project was included in the approved 2021/22 budget. Refer to the funding description section of this report.

Note: This project is partially funded through the Special Rate Variation (SRV) for 2021/22.

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 26/2020 for the Newlands Lane and Brennan Park GPT construction works.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.4 Tender 28/21 - Seawall Restoration Works

AUTHOR: Ashraf Doureih, Engineering Project Manager

Submission of tenders for Seawall Restoration Works - Tender 28/2021 and provision of a brief report on the findings of the habitat tiles installed 2 years ago in Bradfield Park.

Tenders were called and were received until 3:00pm, 26 September 2021 for seawall restoration works – Contract 28/2021.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) of the Local Government Act (LGA), information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Funding for this project was included in the adopted 2021/22 delivery program

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 28/2021 – Seawall Restoration Works
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.5 Nutcote Trust - Approval of Casual Appointments

AUTHOR: Rebecca Aukim, Acting Director Community & Library Services
This report seeks Council endorsement of five new directors to the Nutcote Board. Approval is also sought for an amendment to Nutcote's Constitution. The Constitution of Nutcote Trust Pty Ltd (ACN 003 963 148) was approved by the shareholders at the Annual General Meeting 7 November 2019.

It allows existing directors to appoint new directors to fill a casual vacancy with approval by the members by ordinary resolution.

The confidential report provides information on the new directors and their endorsement is recommended.

At its meeting on 21 September 2017, Council adopted a recommendation that Council (as a legal person) is to be the Member and hold both shares. This was to amend the practice at that time whereby the General Manager who held a share on a personal basis was required on leaving Council to transfer the share to the next General Manager.

The transfer of the General Manager's share to Council took place and ASIC/ACNC were notified. However, a drafting error in a subsequent report updating the Constitution meant the General Manager continued to be named in the Constitution as a Member.

This report corrects the error and reinstates Council's intention that it holds both shares.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with Section 10A(2) of the Local Government Act: (a) personnel matters concerning particular individuals (other than councillors).

Council's Grants & Subsidies budget 2021/22 allocated a cash subsidy of \$40,900 as a contribution towards Nutcote's operating costs and to sharing the cost of business and public liability insurance premiums (of which Council's contribution is approximately 50%).

Recommending:

- 1. THAT** Council approves The Nutcote Trust's casual appointments to the Board as specified in this report
- 2. THAT** Council resolves to approve the amended Constitution of Nutcote Trust Ltd (ACN 003 963 148) dated 16 September 2021
- 3. THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

11. CLOSURE
