



Council Chambers
16 June 2023

The **3784th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 26 June 2023. The agenda is as follows.

THERESE MANNS
GENERAL MANAGER

North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

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- 1. Opening of Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
 - 6. Public Forum**
 - 7. Items by Exception**
 - 8. Mayoral Minutes**
 - 8.1 MM01: Young Mayors Programme – Foundation for Young Australians
 - 8.2 MM02: Constitutional Referendum to recognise Aboriginal and Torres Strait Island peoples by establishing an Indigenous Voice to Parliament – Community Information Event
 - 8.3 MM03: Vale Ian Stapleton
 - 8.4 MM04: Live sites to screen FIFA Women’s World Cup
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9. Reports of Committees

- 9.1 Sustainable Transport Reference Group Minutes – 16 May 2023
- 9.2 Environment Reference Group Minutes – 16 May 2023

10. Reports to Council

- 10.1 North Sydney Olympic Pool Update
- 10.2 Matters Outstanding June 2023
- 10.3 Operational Plan & Budget 2023/24 - Post Exhibition Report
- 10.4 Rating Structure and Annual Charges for the Year 1 July 2023 to 30 June 2024
- 10.5 Fees & Charges 2023/24 - Post Exhibition Report
- 10.6 Community Grants & Subsidies 2023/24 - Post Exhibition Report
- 10.7 Investment and Loan Borrowings Report as at 31 May 2023
- 10.8 Section 34 Conciliation Conference Process
- 10.9 Design Excellence Panel Re-composition - Post Exhibition Report
- 10.10 Milson Park Kayak Storage - Post Exhibition and Site Inspection Report
- 10.11 Primrose Park Sports Field Reconfiguration - Post Exhibition Report
- 10.12 Re-establishment of Alcohol Managed Areas 2023-2027
- 10.13 Draft Youth Strategic Plan 2023-2027
- 10.14 Care, Control and Management of Cammeray Park Crown Reserve
- 10.15 Council-Owned Properties - Response to Council Resolution

11. Notices of Motion/Questions with Notice

Nil

12. Matters of Urgency

Nil

13 Closure of Meeting

In the spirit of open, accessible and transparent government, the Council meetings of North Sydney Council will be streamed live via Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in Closed Session will not be recorded.

TO: The Mayor, Zoë Baker and Councillors Beregi, Bourke, Gibson, Lamb, Lepouris, Mutton, Santer, Spenceley, and Welch

3784th MEETING OF COUNCIL TO BE HELD ON MONDAY 26 JUNE 2023

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

4. CONFIRMATION OF MINUTES

THAT THE MINUTES of the previous 3783rd Council Meeting held on Monday 5 June 2023 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

8.1 MM01: Young Mayors Programme – Foundation for Young Australians

The Australian Local Government Association (ALGA) National General Assembly was held in Canberra between 13 and 16 June 2023. Almost all North Sydney Councillors attended and participated in this important peak body conference.

Attendees heard from the Governor-General, the Prime Minister, many senior Federal Government Ministers as well as speakers addressing housing affordability, climate change and issues affecting all of the 537 councils represented at the conference.

One of the many ideas put forward to delegates was a programme that is underway in a number of local government areas across Australia – the Young Mayors programme.

The Foundation for Young Australians is working with McKay Regional Council (Qld), Horsham Rural City Council (Vic), Wollongong City Council (NSW) and Cairns Regional Council (Qld) and young people aged 17 and under on democratically elected youth councils at local government level.

McKay Regional Council recently undertook elections conducted by the Queensland Electoral Commission, through participating schools in the region, to elect youth councillors to represent their peers and to determine priority action areas for their community.

The Foundation for Young Australians has developed a model that provides for guidance from community leaders and advocacy experts, workshops to develop priority platforms and well-being support for participants. They facilitate opportunities for candidates (and the elected youth councillors) to meet with constituents in order to give young people the confidence to cast an informed vote on election day.

Following the election, the elected youth councillors will determine priority action areas. A cash fund and mentoring by councillors and industry experts will support them to collectively deliver projects and events in their region.

These youth councils seek to encourage young people to engage with local democracy and civic participation – this model transforms young people from “advisors” to decision-makers.

The North Sydney local government area is one of the densest education precincts in the country with 16 primary and secondary schools (public and private) within 10km². In addition, as an inner urban council with a large population, the North Sydney local government areas provides a contrast to the councils already in the pilot programme – with different priorities, opportunities and problems to those in large regional council areas.

North Sydney is an ideal place to include in the Young Mayors programme.

The Foundation for Young Australians has called for expressions of interest from councils around Australia.

As Mayor, exercising my delegation between Council meetings, I lodged an expression of interest on behalf of Council with the Foundation for Young Australians and, therefore, take this first Council meeting to report to you and seek in principle support for Council to be involved with the programme if the opportunity arises.

I therefore recommend:

- 1. THAT** Council note that an expression of interest be included in future pilot projects of the Young Mayors programme has been made on Council’s behalf.
 - 2. THAT** Council supports participation in the Foundation for Young Australians’ Young Mayors programme.
 - 3. THAT** Council write to the Foundation for Young Australians expressing interest in participating in the Young Mayors programme.
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8.2 MM02: Constitutional Referendum to recognise Aboriginal and Torres Strait Island peoples by establishing an Indigenous Voice to Parliament – Community Information Event

On 21 February 2022 this Council resolved

THAT North Sydney Council accepts the invitation of the Uluru Statement from the Heart and:

- i. hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on this matter; and*
- ii. welcomes working with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and*
- iii. looks forward to working with our constituents, other levels of governments and all Australians to take this next step in our shared future.*

On 19 June 2023 the Federal Parliament passed legislation setting up the Constitutional Referendum recognising Aboriginal and Torres Strait Island people through the establishment of an advisory body to Parliament, known as the Indigenous Voice to Parliament.

There is strong community interest in the referendum and Council's resolved position is to support the establishment of a First Nations Voice to be enshrined in the Constitution and for the referendum to be held.

I therefore recommend:

- 1. THAT** Council hold a community information event on the Constitutional Referendum in the lead up to the referendum.
- 2. THAT** Council invite authors of the "The Voice to Parliament Handbook", Thomas Mayo and Kerry O'Brien as keynote speakers at the information event.
- 3. THAT** Council invite neighbouring councils to participate and/or partner with Council.

8.3 MM03: Vale Ian Stapleton

Ian Stapleton was one of the pioneers and pillars of heritage conservation in Sydney and indeed Australia. Schooled in Orange, he studied architecture at the University of Sydney between 1970 and 1975.

After graduation, Ian Stapleton worked for a short time in the Special Projects Section of the NSW Government Architect's Branch, which took on work involving heritage and historic buildings – in-keeping with the shifting attitudes towards conservation during this period culminating in the groundbreaking NSW *Heritage Act 1977*.

He then joined the architectural firm Fisher Lucas. At that time, Clive Lucas was one of a handful of private practitioners who specialised in the restoration and conservation of historic buildings. Clive Lucas and Ian Stapleton would become business partners. Clive Lucas Stapleton and Partners and more recently Lucas Stapleton Johnson [LSJ] are the manifestations of that enduring collaboration.

In the course of his long association with Clive Lucas, Ian Stapleton worked on a myriad projects, including the refurbishment of terrace houses in Woolloomooloo, the redevelopment of the finger wharf there for residential and commercial use and the

repurposing of Sydney's grand GPO. All are highly regarded among Stapleton's legacies.

Ian and his wife Maisy, herself a curator and heritage expert, moved to Waverton in the early 1980s. Over the course of the next 25 years they restored a beautiful Federation-era house. And together they wrote a regular series of articles on Australian architecture and restoration for the *Sydney Morning Herald*.

The Stapletons' articles formed the basis for Ian's book *How To Restore the Old Aussie House*, co-published by Fairfax and the National Trust of Australia (NSW) in 1983, and reprinted in 1991, 1993, 1998 and 2008. He collaborated with Clive Lucas and Ian Evans on *Colour Schemes for Old Australian Houses*, 1984, and *More Colour Schemes for Old Australian Houses*, 1993. All works featured his fine architectural drawings. In these pre-internet times, all were the culmination of years of on-site and archival study.

From the mid-1990s Ian and Maisy wrote *Australian House Styles* together. It was published in 1997 and reprinted several times.

Ian Stapleton was president of Australia ICOMOS [the International Council on Monuments and Sites] from 1992 to 1994. He helped draft the organization's Burra Charter, which remains the benchmark for best heritage practice.

Many of his projects won awards and accolades, among them the New South Wales National Trust Heritage Award for 2013 restoration of Don Bradman's childhood home in Bowral.

His firm has received over 50 awards from the Australian Institute of Architects (formerly Royal Australian Institute of Architects).

Ian and his firm made an impact on North Sydney too, both as a resident and a professional. Among the more than local 20 buildings on which he worked were 'Ingleneuk' in Cremorne, 'The Briars' in Wollstonecraft and 'Rob's Cottage' at Waverton.

Ian Stapleton received the National Trust (NSW) Lifetime Achievement Award in May 2023. He died the following month.

I therefore recommend:

- 1. THAT** Council acknowledge the significant contribution of the late Mr Ian Stapleton to heritage conservation and architecture and our community.
- 2. THAT** Council consult with Ms Maisy Stapleton and the Stapleton family in respect of the location of a tree to be planted in his memory and that following such consultation the tree be planted with a plaque identifying the reason for the planting.
- 3. THAT** Council write to Ms Maisy Stapleton and the Stapleton family expressing deep sympathy and condolences on the passing of Mr Stapleton and include a copy of this resolution.

8.4 MM04: Live sites to screen FIFA Women's World Cup

The FIFA Women's World Cup is one of the most prestigious and widely watched sporting events in the world and next month Australia and New Zealand will play host to this event.

The event serves as a platform to showcase the immense talent, athleticism, and achievements of women in soccer and reflects the progress that has been made by

women in sport over the years. Women athletes have shattered glass ceilings, defied stereotypes, and are showcasing their extraordinary talent on a global stage.

This event will inspire new generations and pave the way for sustained growth and success in women's sport at all levels.

There is no doubt our community will embrace the opportunity to cheer on the national team, the Matildas.

To demonstrate North Sydney Council's commitment to empowering women in sports and society at large, I propose that Council explore the opportunity to live stream Matildas matches at North Sydney Oval pending availability of the grounds.

The first available date is Monday 31st July, with Australia competing against Canada.

Given the impending commencement of the World Cup and the need for any community event to be planned and managed, it is recommended that the General Manager determine the schedule of screenings.

Let's fill North Sydney Oval with passionate fans, cheering on talented women athletes as they compete at the highest level.

I therefore recommend:

1. THAT Council explore opportunities and deliver live streaming of selected Matildas matches of the FIFA Women's World Cup at the North Sydney Oval during the 2023 World Cup.

9. REPORTS OF COMMITTEES

9.1 Sustainable Transport Reference Group Minutes - 16 May 2023

Report of Peita Rose, Governance Officer

The purpose of this report is to report the proceedings of the Sustainable Transport Reference Group to Council, and for Council to consider recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 16 May 2023.

The minutes are attached for the information of Council.

Recommending:

1. THAT Council note that it is currently the practice to make any intersection at right angles when proposing changes to the design of any intersection.

9.2 Environment Reference Group Minutes - 16 May 2023

Report of Peita Rose, Governance Officer

The purpose of this report is to report the proceedings of the Environment Reference Group to Council, and for Council to consider any recommendations from the Reference Group.

Recommending:

1. THAT Ms Jansen van Vuuren from Ausgrid be thanked for attending and making a presentation on the community battery proposal.

2. THAT Council note the North Sydney Living Futures Sustainability Festival finale has been re-scheduled for Sunday 29 October 2023.

10. REPORTS TO COUNCIL

10.1 North Sydney Olympic Pool Update

Report of Therese Manns, General Manager

The purpose of this report is to provide an update in relation to the North Sydney Olympic Pool project.

The North Sydney Olympic Pool (NSOP) project is estimated to reach practical completion in April 2024.

An additional \$789,000 in variations has been approved over the reporting period, with a further 60 variations pending. Most variations related to latent conditions.

Work has commenced on the detailed business planning for the operation of the facility, with operational forecasts expected in October 2023.

Confirmation of final project forecasts continues, as outstanding claims continue to be assessed, and scoping for additional works are progressed.

Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Further, release of the information would on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session

Recommending:

1.THAT Council read and note the report providing an update in relation to the North Sydney Olympic Pool Project.

2.THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reasons under section 10A(2) of the Local Government Act:

c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.

(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

It is further noted that release of this information would on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

10.2 Matters Outstanding – June 2023

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to report to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

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

The attached table has been updated to include resolutions up to the 22 May 2023 Ordinary Meeting of Council.

Recommending:

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

10.3 Operational Plan & Budget 2023/24 - Post Exhibition Report

Report of Jenny Gleeson, Manager Corporate Planning and Engagement and Christian Munday, Manager Financial Services

Councils must prepare and adopt an annual Operational Plan for the next financial year by 30 June. The Operational Plan & Budget 2023/24 details the projects and services that Council will undertake in Year 2 of the Delivery Program to contribute to the achievement of the North Sydney Community Strategic Plan.

The Operational Plan & Budget 2023/24 was placed on public exhibition from 27 April 2023 to 7 June 2023. Four submissions were received. All feedback has been collated, analysed, and responded to via the attached Submissions Summary. This report details the minor amendments to the plan.

Some of the key activities planned for 2023/24 are:

- completing the redevelopment of the North Sydney Olympic Pool complex;
- construction of a permanent plaza in Burton Street Kirribilli to replace the temporary pop-up;
- upgrade of the Willoughby Road public domain streetscape;
- works to make the Quarantine Boat Depot site accessible to the public, including opening the cottages for community use;
- upgrade of the lighting in St Leonards Park;
- preparation of the Open Space and Recreation Needs Study;
- upgrade of Lodge Road playground;
- review of the Integrated Cycling Strategy;
- review of the Events Strategy;
- preparation of a new Arts & Cultural Strategic Plan;
- continued implementation of the Disability Action Inclusion Plan; and
- preparation of a service review framework.

The recommended Budget for 2023/24, which includes the permitted rate peg increase of 3.7%, forecasts a deficit budget before Capital Grants and Contributions of \$2.0 million, and a surplus including Capital Grants and Contributions of \$1.6 million. This forecast deficit is significantly affected by a non-recurrent project for affordable housing at 287 Miller Street and continued reduction in revenue compared to pre-Covid years. The project is to be funded from Developer Contributions held in reserve. The capital works budget allows an additional \$24.2 million contingency to complete the Olympic Pool works.

Council continues to be impacted by a reduction in revenue compared to pre-Covid years, primarily from parking related revenue. The deficit budget is largely due to these reduced key revenue streams and constrains Council's scope to implement new or expanded services and projects. Any new services or projects would need to be funded by a reduction in existing services.

The budget, as planned, demonstrates Council has capacity to fund its projects and services in the short term. The ongoing and potentially permanent impact of Covid on revenues means Council will need to strategically consider its revenue sources.

Recommending:

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the final Operational Plan & Budget 2023/24 as required by section 405 of the Local Government Act 1993.
3. **THAT** the General Manager be authorised to make any minor changes the Operational Plan & Budget 2023/24 if required such as typographical corrections.

10.4 Rating Structure and Annual Charges for the Year 1 July 2023 to 30 June 2024

Report of Christian Menday, Manager Financial Services

The purpose of this report is to establish rates and charges for the year 1 July 2023 to 30 June 2024, according to Sections 534 and 535 of the Local Government Act 1993. Section 534 of the Local Government Act 1993 requires that "Each rate or charge is to be made for a specified year".

The full IPART rate peg of 3.7% has been applied in calculating rates and is a key assumption in the 2023/24 Budget.

The minimum ordinary rate has been set at \$681.18.

Domestic Waste Charges have been increased by 5% per the Draft Revenue Policy appended to the Draft Operational Plan and Budget previously considered by Council. Stormwater Management Charges are in accordance with legislation and remain unchanged from previous years.

The final Ad Valorem rates have been calculated on the count and value of rateable properties as at the completion of the exhibition period. There have been minor changes in the rate in the dollar figures previously reported in the Draft Operational Plan and Budget.

Recommending:

1. **THAT** the following rates for the rating year 1 July 2023 to 30 June 2024 be made by Council:

Category	Ad Valorem	Minimum/Base Amount
Residential Rate	0.057849 cents in the dollar	\$681.18
Business Rate	0.414775 cents in the dollar	\$681.18
Infrastructure Levy	0.002836 cents in the dollar	\$29.04
Environmental Levy	0.003183 cents in the dollar	\$32.59
Crows Nest Mainstreet Levy	0.018878 cents in the dollar	\$120.16
Neutral Bay Mainstreet Levy	0.026834 cents in the dollar	\$133.63

2. THAT the following annual Domestic Waste Management Charges for the rating year 1 July 2023 to 30 June 2024 be made by Council:

Category	Amount
60 Litre (SEC 496 LGA) Council Approved ONLY	\$446.00
60 or 80 Litre (SEC 496 LGA) PENSIONER	\$223.00
80 Litre (SEC 496 LGA)	\$446.00
120 Litre (SEC 502 LGA)	\$743.00
240 Litre (SEC 502 LGA)	\$1,305.00
Service Availability charge	\$63.00

3. THAT the following annual Stormwater Management Charges for the rating year 1 July 2023 to 30 June 2024 be made by Council:

Category	Amount
Residential (Maximum)	\$25.00
Residential Strata Plan or Company Title (Maximum)	\$12.50
Business (Capped)	\$25.00
Business Strata Plan or Company Title (Capped)	\$5.00

10.5 Fees & Charges 2023/24 - Post Exhibition Report

Report of Christian Menday, Manager Financial Services, and Jenny Gleeson, Manager Corporate Planning and Engagement

This report presents the feedback received during the public exhibition of the draft 2023/24 Fees & Charges Schedule and seeks adoption of the final schedule.

Fees and Charges equate to approximately 26% of Council's total annual income.

All existing and proposed fees and charges have been assessed under Council's Revenue Policy.

The Draft Fees and Charges Schedule 2023/24 was formulated around comparable market rates and a general increase of 7.6% over the previous year's adopted schedule. Fees that have materially increased above that default level are noted in the report.

47 new fees and charges were added to the Schedule. 12 are newly identified opportunities to recover costs or utilise assets, 9 are to streamline application processes or enhance customer service, 15 are to ensure consistency with updated statute or regulation and 11 enhance cost recovery for existing services (sports fields). 18 existing fees and charges are proposed to be discontinued. 17 have been superseded by new fees. 1 (skip bins greater than 20 cubic metres) has been deleted as this activity is not permitted.

Recommending:

1. THAT the submissions summary be noted.

2. THAT the Fees & Charges Schedule 2023/24 be adopted.

10.6 Community Grants & Subsidies 2023/24 - Post Exhibition Report

Report of Rebecca Aukim, Director Community and Library Services, and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to adopt the recommended Community Grants & Subsidies 2023/24 recipients following public exhibition.

Annually, Council invites community organisations to apply for a grant to assist in the provision of services for the North Sydney community. The process occurred earlier this year, with, applications closing early March 2023.

All applications received were assessed in accordance with the criteria outlined in Council's Community Grants and Subsidies Policy, as attached.

The purpose of the exhibition period was to advise the proposed recipients for 2023/24 and invite submissions. The 42-day public exhibition ran from 27 April 2023 to 7 June 2023, concurrent with the exhibition of the draft Operational Plan & Budget 2023/24. No submissions were received.

During public exhibition it came to light that the figures for the parking spaces for the Children's Health Services Centres in Cremorne and Crows Nest were incorrect. The updated figures are listed in this report. The changes increase the subsidies for the area of Children and Families by \$7,704.

Another change is that Studio A, an organisation for artists with disabilities and a tenant in the Crows Nest Centre, is being supported with parking subsidies. The total cost for the subsidies for 2023/24 is \$11,616.

The three changes described in the report increase the Grants & Subsidies budget by \$19,320 for 2023/24.

Recommending:

1. THAT the Community Grants & Subsidies 2023/24 recipients as outlined in this report, be adopted.

10.7 Investment and Loan Borrowings Report as at 31 May 2023

Report of Christian Menday, Manager Financial Services

The purpose of this report is to provide Council with the details of the performance of Council's investments and details of loans for the month ending 31 May 2023.

This report outlines Council's investment portfolio and performance to 31 May 2023.

All investments have been made in accordance with the Act, Regulations, Council's Investment Policy, and the specific conditions of the TCorp Loan Agreement.

For the month of May, the total portfolio (Term Deposits, Floating Rate Notes, and Bonds) provided a return of +0.23% (actual) or +2.76% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.29% (actual), or +3.53% p.a. (annualised). This is due recent aggressive official interest rate rises and Council holding term deposits made in a low inflation environment when these rises were not foreseeable. Council's investment adviser considers this underperformance to be temporary (for less than the next 6 months).

Returns on investments exceed original YTD budget by \$2.0 million due to higher-than-expected cash balances and higher than expected interest rates.

Recommending:

1. THAT the report on Investments held on 31 May 2023, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021 and information on Loan Borrowings, be received.

10.8 Section 34 Conciliation Conference Process

Report of Shane Sullivan, Executive Manager Governance, and Stephen Beattie, Manager Development Services

The purpose of this report is to provide advice regarding Council's preference to finalise Land and Environment Court appeals by consent orders after a section 34 conciliation conference agreement is reached, to provide the community an opportunity to make submissions to the Court on the agreement.

On 27 March 2023, Council resolved to clarify its position in relation to Land and Environment Court (LEC) appeals so that if agreement is reached in a section 34 conference, Council finalise the matter by way of consent orders to provide the community with an opportunity of making submissions to the Court. Council also resolved to have staff prepare a report in response to this resolution. This report is in response to that resolution.

The LEC increasingly requires parties to settle appeals by way of section 34 conciliation conferences. These are designed to minimise costs and delays and are conducted on a "without prejudice" basis until endorsed by the Court. At the time of writing, Council had 18 ongoing LEC appeals relating to development applications.

On 11 April 2023, Council received advice from its internal legal advisor. Whilst noting the benefits of increased transparency and objector involvement in the process, the advice articulates potentially unanticipated and/or unacceptable risks associated with the finalisation of matters by consent orders as resolved on 27 March 2023.

The mechanisms to increase the involvement of parties in finalising matters escalated to the LEC are provided for and constrained by the relevant State legislation and Court practice directions and procedures.

This report recommends that in the context of risks outlined, that the approach preferred by Council be monitored for the next 6 months and a report be prepared outlining impacts and issues arising from this approach.

Recommending:

1. THAT in response to this report and advice provided, that staff monitor Council's preferred approach to the section 34 conciliation conferences process as resolved by Council at its meeting on 27 March 2023, with a view to reporting the matter back to Council in 6 months with an inventory of impacts and issues arising from the approach.

2. THAT Council lobbies the New South Wales State Government to change the Section 34 process to allow more community participation and transparency in the Land and Environment Court process.

10.9 Design Excellence Panel Re-composition - Post Exhibition Report

Report of Leonard Vogel, Planning and Development Advisor, and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to present the *Design Excellence Panel Policy* and *Design Excellence Panel Charter* for adoption following the 28-day public exhibition period.

At its meeting on 26 April 2023, Council resolved:

1. *THAT the draft North Sydney Design Excellence Panel Policy and Charter be endorsed for public exhibition for a minimum period of 28 days.*
2. *THAT a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the revised Design Excellence Panel Policy and Charter.*
3. *THAT concurrent with the exhibition of the revised Policy and Charter recruitment for new panel members occur for a period of 28 days and include additional provisions regarding building sustainability and environmental expertise.*

In accordance with the resolution, the proposed amendments to the Design Excellence Panel Policy and Charter were publicly exhibited from 27 April to 24 May 2023. No submissions were received during the exhibition period.

Expressions of interest are currently being sought for new panel members as per Council's resolution.

The final Design Excellence Panel Policy and Charter are presented unamended from their draft form, for adoption.

Recommending:

1. **THAT** Council adopt the amended Design Excellence Panel Policy and Charter as included in Attachments 1 and 2.

10.10 Milson Park Kayak Storage - Post Exhibition and Site Inspection Report

Report of Alicja Batorowicz, Landscape Architect/Project Coordinator, and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to detail the submissions received during the public exhibition of the proposed Milson Park Kayak Storage, and to report on the site inspection by Councillors on 17 April 2023. The final recommendation is presented to Council for adoption.

This project is in line with Council's Small Watercraft Storage Strategy (2018).

Council allocated \$25,000 in the 2022/23 budget for the investigation, consultation, design, and construction of a small watercraft storage facility in Milson Park, for the benefit of watercraft owners, and for the convenience and enjoyment of those who access and use the park for general recreation.

Council sought feedback on a proposed concept plan for a storage facility to hold 36 kayaks at Milson Park, Kirribilli, where there is boat ramp access to Sydney Harbour. 104 submissions were received, as presented to Council on 13 March 2023. The majority of submissions supported the proposal.

At its meeting on 13 March 2023, the Council resolved (in part) that a site visit be conducted for Councillors, with a further report to come back to Council. The site visit was conducted on 17 April 2023 and was attended by six Councillors plus staff. During

the site visit a discussion was held about the number of potential kayak racks and locations.

Recommending:

1. **THAT** the submissions report be noted.
2. **THAT** the Council endorse the concept plan for kayak storage at Milson Park.
3. **THAT** 18 of the 36 hireable spaces be allocated to the Kayak Share Club, with the remainder to be allocated to the general community.

10.11 Primrose Park Sports Field Reconfiguration - Post Exhibition Report

Report of David Manson, Manager Parks and Reserves, Sam Clark, Community Engagement Specialist, and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to detail the submissions received during the public exhibition of the Primrose Park Sports Fields Reconfiguration proposal. The final recommendation is presented to Council for adoption.

The Primrose Park Reconfiguration project would enable Council to reconfigure the layout of the existing fields, resulting in the addition of an extra full-size sports field (for Autumn/Winter sports), and a new permanent cricket pitch in between two new fields (for Spring/Summer).

At its meeting on 30 January 2023, the Council resolved to publicly exhibit the proposed reconfiguration concept plans for 42 days. The exhibition period ran from 7 March to 18 April 2023 and was promoted in accordance with the prepared project-specific Engagement Strategy.

A total of 140 submissions were received, with 73% (102) opposing the proposal and 27% (38) supporting the proposal.

Summary of reasons given in support of the project:

- net increase in sports fields to aid with participation demand;
- improved amenities that provide a safe and suitable facility all participants, both male, female; and
- cricket pitches removed from Winter sport playing surfaces.

Summary of reasons against the project:

- lack of parking and increase in traffic movements;
- less passive open space availability;
- increase in noise; and
- less opportunity for dog walking.

A compromise on the proposed reconfiguration is to improve the playing surfaces (in the existing configuration) by improving drainage and providing alternative turf surfaces. This will increase the playing hours through the fields being able to cope with and recover from wet weather events in a faster time frame. This approach would need to be fully costed and could occur in the financial year 2024/25.

Recommending:

1. **THAT** the Primrose Park reconfiguration project be discontinued.
 2. **THAT** the Primrose Park reconfiguration budget be reallocated to capital works reserve pending a full costing being undertaken for upgrades to the turf playing surfaces and drainage improvements at Primrose Park.
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10.12 Re-establishment of Alcohol Managed Areas 2023-2027

Report of Rebecca Aukim, Director Community and Library Services, and Jenny Gleeson, Manager Corporate Planning and Engagement

The purpose of this report is to seek Council's endorsement to re-establish the Alcohol-Free Zones (on streets) and Alcohol Prohibited Areas (in parks) in the North Sydney Local Government Area for a further four years from December 2023 to November 2027.

The current Alcohol-Free Zones (on streets) and Alcohol Prohibited Areas (in parks) will expire November 2023.

At its meeting of 13 February 2023, Council resolved to place the renewal of the current Alcohol Prohibited Areas and Alcohol-Free Zones on public exhibition for 42 days, and that a further report be provided to Council following the conclusion of the public exhibition period, to consider any submissions received. The proposal is to extend the existing Alcohol Free Zones and Alcohol Prohibited Areas from 2023 to 2027.

The *Ministerial Guidelines on Alcohol-Free Zones* (February 2009) require that Council undertake wide consultation by inviting public submissions, representations or objections from the Police Local Area Commander, liquor licensees, and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the zone or area; as well as any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

The public exhibition period ran from 7 March to 18 April 2023. A total of 17 submissions was received. The majority provided positive feedback, with submissions supporting the renewal (re-establishment) of Alcohol-Free Zones and Alcohol Prohibited Areas across the North Sydney local government area. Many noted improvements in crowd behaviour and rubbish dumping since alcohol consumption has been discouraged.

Recommending:

- 1. THAT** the submissions received be noted.
- 2. THAT** Council endorse the continuation of Alcohol-Free (on streets) and Alcohol Prohibited (in parks) areas in the North Sydney LGA for another four years from December 2023 to November 2027 as detailed in this report.

10.13 Draft Youth Strategic Plan 2023-2027

Report of Greg Nikoletas, Youth Services & Partnerships Coordinator

The purpose of this report is to seek Council's endorsement for the draft Youth Strategic Plan 2023-2027 to be placed on public exhibition in accordance with Council's Community Engagement Protocol.

The draft 2023-2027 Youth Strategic Plan has been finalised following community consultation and feedback.

The Plan outlines how North Sydney Council will support, empower, and advocate for young people in its community. It seeks to guide the design and delivery of youth services provided by Council and informs youth services delivered by government and not-for-profit organisations.

The development of the Plan was based on extensive research and community consultation, which has informed the Plan's themes, priority areas, key directions, and actions.

The strategic outlook for Youth Services over the span of the Plan is structured around three core focus areas:

1. Connection
2. Wellbeing
3. Opportunity

The Plan reaffirms Council's commitment to young people as valued and participating community members through the clear directions set in the strategies.

Recommending:

1. THAT the draft Youth Strategic Plan 2023-2027 be endorsed for public exhibition for a minimum period of 42 days.

2. THAT a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and potential amendments.

10.14 Care, Control and Management of Cammeray Park Crown Reserve

Report of Gavin McConnell, Public Projects Interface Manager

The purpose of this report is to seek Council endorsement to request that Council be appointed as Crown Land Manager and responsible for care, control and management for the Crown reserve comprising Cammeray Park as per the plans included in this report.

The land comprising the Cammeray Golf Course is Crown Land placed under Council's care and control. The land is leased by the Cammeray Golf Club from Council and the lease expires in May 2026.

The Warringah Freeway Upgrade, Western Harbour Tunnel and the Beaches Link road projects have had a very significant adverse impact on recreational land within, and the environmental amenity, of North Sydney.

The Cammeray Park lands (also known as the Cammeray Golf Course) form the largest single parcel of recreational land in the North Sydney local government area.

Given the chronic and increasing shortage of public recreational land in North Sydney, it is in the public interest that this land be retained in public ownership with a broader potential for future public uses rather than being confined to a private use.

Recommending:

1. THAT Council write to The Hon. Stephen Kamper MP, Minister for Lands and Property, seeking to be appointed as Crown Land Manager and responsible for care, control and management for the Crown reserve comprising Cammeray Park as per the plans included in this report.

10.15 Council-Owned Properties - Response to Council Resolution

Report of Albert Lo, Manager Property Assets

At its meeting of 26 April 2023, Council considered a report in relation to the North Sydney Olympic Pool project and the need for additional funding. As part of this report, it was noted that Council may have to explore strategies to increase funding for this project. Included in the options were sale of Council property and it was noted that staff were undertaking a review.

Council resolved that a report be prepared in respect of properties owned by Council that are leased or available to lease, including the lease dates and terms, the quantum of rent paid, and the most recent market valuations.

A list of commercial rental properties has been compiled (Attachment 1) which includes Land Title details, addresses, photos of the properties, current use, quantum of rental income, date and term of lease, and market valuations etc.

Council rental properties provide a good income stream for Council from rents received, which in general increase with inflation over time. Hence any proposed sale of Council property must be looked at meticulously and considered very carefully. Moreover, property values will also increase over the long term due to the rise in land and building values. There may be rises and falls but the property price trend historically has always been up over time.

It should be noted that property values dropped during the COVID-19 pandemic and in the immediate post COVID-19 period. This was reflected in the Australis Asset Group valuation, in which the average fair values of Council's investment property portfolio decreased by 4.2% in the one-year period between 31 March 2022 and 31 March 2023. In summary, sale of any Council properties at this time is not recommended due to the following reasons:

- the commercial property market has deteriorated due to the COVID-19 pandemic impact as well as sharp rises in interest rates. Should a Council investment property be sold, Council will miss out on future potential capital gains;
- rental income provides a good income stream for Council. Any sale of property will cease that income stream and reduce total revenue to Council;
- the fair values of some Council properties are currently low due to their special nature, for example, shops around a Council car parking station, around North Sydney Oval or heritage properties; and
- property values always increase in the long term.

All operational properties, community facilities buildings, recreational properties and car parking stations have been excluded because these are essential facilities that are required for Council to provide the core services to residents of North Sydney and to the general public.

Recommending:

1. THAT Council note that it is not recommended to sell any properties at this time due to the reasons detailed in this report.

11. NOTICES OF MOTION

Nil

12. Matters of Urgency

Nil

13. CLOSURE