



Council Chambers
19 September 2019

The 3723rd MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.00pm on Monday, 23 September 2019. The agenda is as follows.

**KEN GOULDTHORP
GENERAL MANAGER**

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

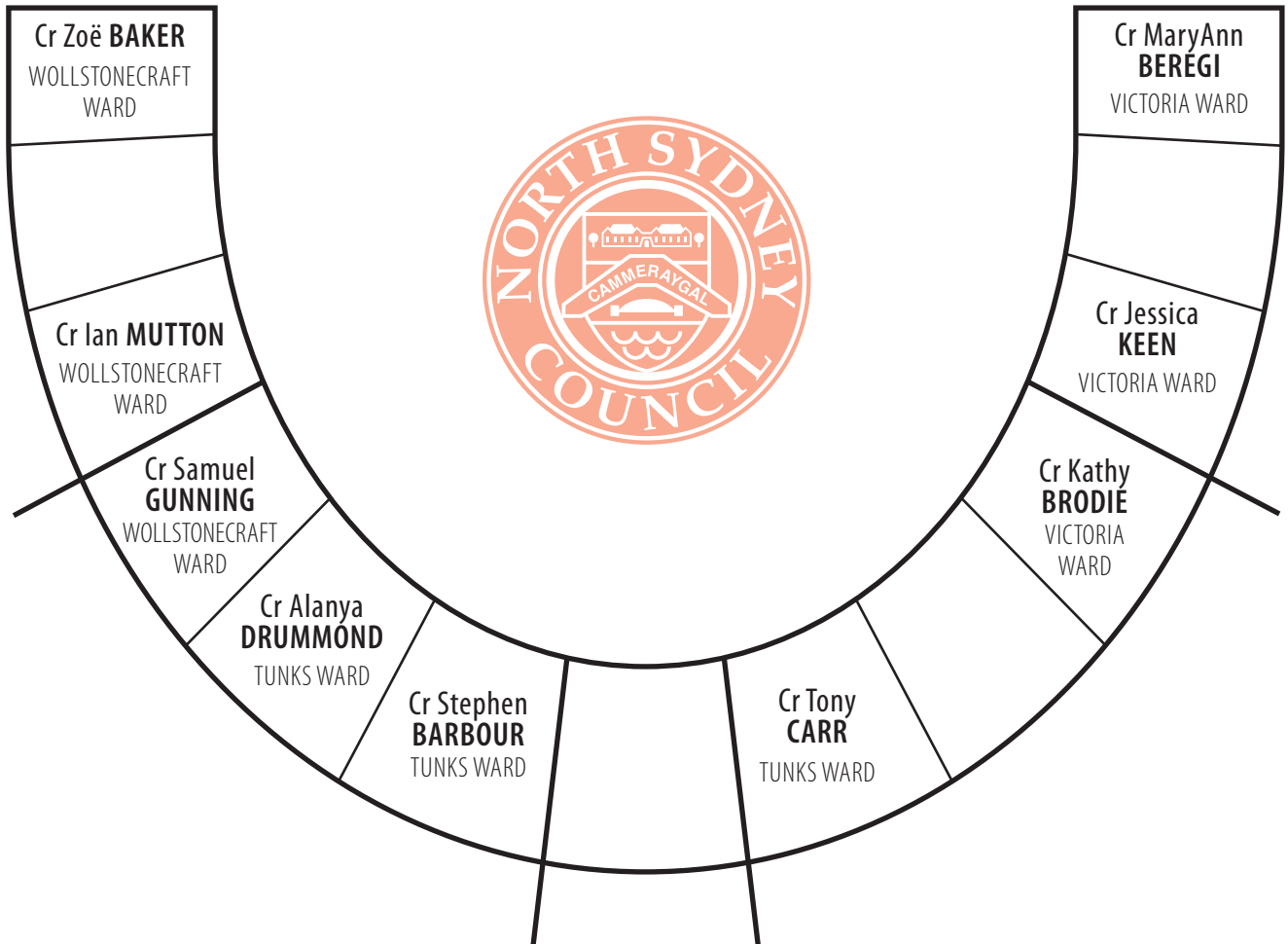
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- **Opening Meeting**
 - **Acknowledgement of Country**
 - **Apologies and Applications for Leaves of Absence by Councillors**
 - **Confirmation of Minutes**
 - **Disclosures of Interests**
 - **Mayoral Minutes**
 - **Reports of Committees**
 - **Reports to Council**
 - **Notices of Motion/Questions with Notice**
 - **Confidential Matters**

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



COUNCIL OFFICERS

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



Explanatory Notes for Members of the Public Attending Meetings

1. Council meetings comprise the full membership of the Council with a quorum of six Councillors. Ordinary Council meetings consider reports from all Divisions of Council.
2. The Chairperson shall be the Mayor or, in her absence, the Deputy Mayor.
3. Reports are published on Council's website (www.northsydney.nsw.gov.au) by close of business on the **Thursday** before the meeting or printed copies may be viewed at Stanton Library or the Council Chambers.
4. Members of the public wishing to address Council at the Public Forum held at 6.30pm prior to the Council meeting on an agenda item may register by submitting a written request to Council by completing the form available at https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Council_Meetings by hand or email to governance@northsydney.nsw.gov.au by **4.00pm** on the day of the meeting. Items will be considered at the Public Forum in the order that they appear on the agenda.
5. It should be noted that any three (3) Councillors may lodge a Notice to have a decision reviewed. The Notice must be lodged with the General Manager by 3pm on the first business day after the meeting. You should not act on any decision of this meeting until you receive written notice of the decision from the General Manager.
6. Members of the public should acknowledge the Chairperson when entering or leaving the Chamber whilst the meeting is in progress.
7. Members of the public gallery are requested to switch off mobile phones for the duration of the meeting. Members of the public are not permitted to make a video or sound recording (and/or any electronic device capable of recording speech) of any meeting, unless the permission of Council is granted.
8. Parts of this meeting may be recorded for the purpose of assisting in the transcription of the Minutes. The Government Information (Public Access) Act applies to the recording of Council meetings and, from time to time, Council may receive an application to release such recordings to a member of the public.

All Council meetings are also webcast via the internet.

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

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

SUBJECT: 3723rd MEETING OF COUNCIL TO BE HELD ON MONDAY, 23 SEPTEMBER 2019

THAT THE MINUTES of the previous 3722nd Council Meeting held on Monday, 26 August 2019 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

MM01: Trees at the Coal Loader

It has been exciting to see the Coal Loader Centre for Sustainability establish itself as such a popular and well-used community site. The Platform now hosts regular events and the community feedback I receive is overwhelmingly positive. However, many people have mentioned to me that they would like to see more shade on the Platform, especially in the summer months when they would like to be able to picnic or spend extended time there.

There is space to plant some trees around the periphery of the Platform. However, as the Platform faces west this would not ameliorate the heat of the sun on a summer afternoon. The colonnade along the water's edge was designed to host grape vines that would provide summer shade. This year, the colonnade will support hop plants, with the hops being harvested and used in a weekend Short Course on beer brewing in February.

However, hop plants are not an optimal solution for the colonnade. To maximise the use of the Coal Loader Platform throughout summer, I believe we need to find a shade solution, be it trees, vines or a shade cover that is erected for the summer months each year.

I am therefore recommending that Council request the Director of Open Space and Environmental Services to prepare a report on options for providing shade on the Coal Loader Platform, including the cost of installing and maintaining each option.

I also believe that, as a Council, we have a duty of care to provide essential facilities in recreational areas, including toilets, a water fountain and some seating. This is particularly important for families with young children, older people and people with special access needs who can't easily walk across the site to toilets or seating. I am therefore proposing that the review of shade be extended to include a review of the facilities provided on the Platform, including the cost of installing and maintaining each option.

I therefore recommend:

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

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

MM02: Use of Mobile Phones During Council Meetings

At our Councillor refresher training with Local Government NSW last week I was interested to hear the facilitator talk about how other councils have banned the use of phones during meetings and the discussion among our Councillors that followed.

Section 15.20 of Council's Code of Meeting Practice proscribes that Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of Council and committees of Council.

However, even on silent, the constant use of a phone during a meeting is distracting for other Councillors. The use of mobile phones during meetings appears unprofessional to both the public in the gallery and people watching the webcast and gives the impression that Councillors are not focused on the job.

Ideally, we would all leave our phones in our pockets or bags for meetings so that we can give full attention to the agenda and the points raised by other councillors during discussions. However, if Councillors need to be able to take an urgent call for personal reasons, they need to keep their mobile phone on the desk.

I am therefore proposing that we amend the Code of Meeting Practice to specify that mobile phones must be turned to silent and that Councillors who need to phone or text during a Council meeting leave the chamber to do so.

This measure will help ensure that Councillors remain focused throughout a meeting and send the message to our community that we are giving our undivided attention to matters that are important to them.

The amendment is considered minor and as such does not require public exhibition.

I therefore recommend:

1. THAT Council amend Section 15.20 of the Code of Meeting Practice to say Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of Council and committees of Council. Councillors that need to use their phone to text, talk or engage in social media activity must leave the Chamber to do so.

RESCISSION MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Notice of Rescission No. 4/19 by Councillors Drummond, Barbour and Gibson

THAT the Council resolution relating to Item OSE03 Carradah Park Upper Terrace – Tree Replacement, passed at the meeting of the Council held on 27 May 2019:

- 1. THAT 17 replacement Sydney Red Gums be planted within Carradah Park as per the original 2002 Landscape Masterplan with the addition of protective fencing installed around each tree.*
- 2. THAT Council communicate with residents and the Waverton Precinct Committee with regards to plan for reinstatement of the trees as per the original 2002 Landscape Masterplan.*
- 3. THAT on completion of the replacement tree planting the tree vandalism sign onsite be removed.*

be and is hereby rescinded.

THAT the following resolution be passed in lieu thereof:

- 1. THAT 34 trees be planted in Carradah Park at the discretion of the General Manager and Director Open Space & Environmental Services in a location with deep soil that is not in close proximity to the powerlines.*
- 2. THAT the current tree vandalism sign be removed.*
- 3. THAT the General Manager be authorised to take all necessary action to implement the resolution, including submitting an application to amend the original DA for Carradah Park if required.*
- 4. THAT the Director of Open Space and Environmental Services be authorised to review the amenities provided within the park and install any additional infrastructure on the lower terraces, such as seating, a water fountain or bins that would be appropriate and in line with infrastructure installed in all Council's other parks.*

Background

On 5 December 2016, Council resolved to progressively reinstate the approved planting in Carradah Park as per the 2002 Landscape Plan. On 27 May 2019, Council resolved to complete that work by planting 17 Sydney Red Gums, as per that Landscape Plan, along the Larkin St edge of the Park.

At its meeting of 26 August 2019, Council resolved that the General Manager convene a public onsite meeting on Saturday 31 August 2019 at 10.00am to discuss the concerns regarding tree planting on the upper terrace of Carradah Park. The meeting on 26 August was well attended with speakers for and against the proposed planting.

The Importance of Trees

We recognise that trees play an important role in the wellbeing of our community. It is a major concern that since we started measuring it, North Sydney's canopy cover has declined from a peak of 33.0% in 2008 to 28.2% in 2017.

Among other things, trees:

- Filter airborne particle pollution such as CO² and release oxygen;
- Reduce the heat in city areas by up to 5 degrees Celsius;
- Provide habitat for wildlife; and
- Reduce stormwater runoff and reduce erosion.

However, to get the full environmental benefits of trees, we need to plant the right species in the right places. Our aim should be to plant trees that can grow in their natural form with a full canopy spread.

Planting trees that need constant lopping can damage the structural integrity of the tree, increase its chance of disease and limit its ability to supply all the environmental benefits trees provide.

At our July meeting, Council declared a climate emergency. If we are serious about addressing climate issues then we need to make sure that Council gets the maximum impact from its own actions and that includes planting trees where they can thrive.

If we plant under power lines where we know the tree will be regularly lopped and have to drill through sandstone to plant the tree in the first place, we will have ugly stunted trees, not healthy mature trees that contribute meaningfully to the goals of our Urban Forest Strategy.

There is room in other areas of Carradah Park to plant additional trees in deep soil, providing a wildlife corridor that links meaningfully from Waverton Park to Balls Head Reserve. By increasing the number of trees and planting them in a location where they can thrive, Council will get a significantly better return on our environmental investment than planting under power lines can ever give us.

Taking a Consistent Approach

The insistence that the planting in Carradah Park remains trapped in a time warp is at odds with Council's approach to its other parks, where plants have changed over time without an amended DA being lodged and without the park's Plan of Management being revised.

Similarly, Council has added drinking fountains and other infrastructure to our parks without submitting amended DAs or revising plans of management, yet Carradah Park has not been provided with these facilities.

It would be appropriate for Council's Division of Open Space and Environmental Services to review the park infrastructure and ensure that facilities provided in other parks are also available in Carradah Park which is used by both residents and visitors to the Council area.

Reports of Committees

1. Governance and Finance Committee - 9 September 2019

Report of Ian Curry, Manager Governance & Committee Services

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on 9 September 2019 for Council adoption. The Minutes are attached for information.

Nil.

Recommending:

1. **THAT** the report on Investments and Loan Borrowings held as at 31 August 2019 be received. (GF01)
2. **THAT** Council move to ensure all investments undertaken (short and long term) are with institutions that meet the minimum criteria of investment grade (BBB- and above). (GF01)
3. **THAT** Councillors note that nominations for the position of Deputy Mayor close at 12pm on Wednesday 18 September 2019. (GF02)
4. **THAT** the election of the Deputy Mayor for the period from 1 October 2019 to 5 September 2020 take place at the Council meeting to be held on Monday 23 September 2019. (GF02)
5. **THAT** the Customer Feedback and Complaints Report: 1 January to 30 June 2019 be received. (GF03)
6. **THAT** Option 1 be selected as Council's preferred option for the revised North Sydney Council Ward boundaries. (GF04)
7. **THAT** the NSW Electoral Commission be advised of Council's resolution. (GF04)
8. **THAT** a further report be submitted to Council following public advertising of the approved option. (GF04)
9. **THAT** Council make a submission to the Office of Local Government in respect of the Review of the Local Government Rating System as outlined in this report. (GF05)
10. **THAT** Council congratulate the staff responsible for preparing the submission. (GF05)

2. Traffic Committee - 6 September 2019

Report of Peita Rose, Governance Officer

This report presents the recommendations of the last meeting of the Traffic Committee held on 6 September 2019 for Council adoption. The Minutes are attached for information.

The full reports to Traffic Committee can be accessed at:

https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committee_s/Traffic_Committee/2019/6_September_2019

Nil.

Recommending:

1. **THAT** the information regarding Delegated Authority items be received. (4.1)

2. **THAT** the information concerning Standing Item - Military Road B-Line be received. (5.3)
3. **THAT** the recommendations made for changes in the parking restrictions be received. (4.2.1)
4. **THAT** the information concerning parking restrictions in Margaret Street, North Sydney be received, and it be noted that the parking review is planned to be carried out in the next 2 years. (4.2.1)
5. **THAT** Council reinstate 12 unrestricted parking spaces in Montpelier Street between Holdsworth Street and Rawson Street, and replace the existing 12 unrestricted parking on Montpelier Street between Premier Street and HNo. 2 Montpelier Street with “No Parking - Motor Vehicles Excepted” following notification to affected residents and all submitters on the Trailer Parking Restrictions review. (4.3)
6. **THAT** a draft policy for consideration of future requests for trailer parking restrictions including cost considerations and establishment of minimum criteria to manage such requests be prepared and referred to Council for consideration. (4.3)
7. **THAT** all submitters to the Trailer Parking Restrictions Review be informed of Council’s decision. (4.3)
8. **THAT** Council retain the restrictions in Fifth Avenue and Brothers Avenue. (4.3)
9. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (5.1)
10. **THAT** the information concerning Gerard Street and Macpherson Street Traffic Control Signals Standing Item be received. (5.2)
11. **THAT** the Committee contact the RMS requesting them to expedite this matter as soon as possible for review and approval. (5.2)
12. **THAT** Council prepare a report for the next Traffic Committee regarding the feasibility of putting 15 minute free parking near the CBD post office, whilst considering where the parking spaces could be located as well as the number of parking spaces.

3. **Sport and Recreation Reference Group – 19 August 2019**

Report of Peita Rose, Governance Officer

This report presents the recommendations of the last meeting of the Sport and Recreation Reference Group held on 19 August 2019, for Council endorsement. The Minutes are attached for consideration should Council wish to adopt any of the recommendations made at the meeting.

Nil.

Recommending:

1. **THAT** the Minutes of the Sport and Recreation Reference Group meeting of 19 August 2019 be noted and further, Council resolve:
 - i. **THAT** the Sport & Recreation Reference Group recommend that Council proceed with a trial of hybrid turf in Primrose Park within the goalmouth (a 100m² area). (SR04)
 - ii. **THAT** the Sport & Recreation Reference Group recommend that Council proceed with the (5%) hybrid turf and (95%) natural grass as soon as possible, and that the hybrid turf be “ready for use” to play on. (SR04)

Reports to Council

4. Election of Deputy Mayor

Report of Ian Curry, Manager Governance and Committee Services

The term of office for the Deputy Mayor will expire on 30 September 2019. The election of the Deputy Mayor for the period from 1 October 2019 to 5 September 2020 (the day prior to the NSW Council elections) will take place at the Council meeting to be held on Monday 23 September 2019.

Nominations may be made without notice and must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached.

A nomination was received for:

- Councillor Stephen Barbour

If only one nomination is received, that Councillor will be deemed to be elected. If more than one nomination is received, an election will be conducted in accordance with The Schedule.

Nil.

Recommending:

1. **THAT** an election for the position of Deputy Mayor for the period 1 October 2019 to 5 September 2020 be held.
2. **THAT** Council determine the method of voting.
3. **THAT** the Director-General of the Office of Local Government and Secretary of the Local Government and Shires Association of New South Wales be advised of the election result.

5. Matters Outstanding – September 2019

Report of Ken Gouldthorp, General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 26 August 2019 is presented.

Recommending:

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

6. North Sydney Smart City Strategy - Post Exhibition

Report of James Marshall, Economic Development Coordinator

The *North Sydney Smart City Strategy* sets out the vision, principles and priorities which will guide Council's digital transformation journey from the outset. It is supported by a three-year Action Plan, which includes various actions and performance measures, along with the responsible Council Departments. The Draft Strategy and Action Plan were developed in two stages:

- Stage 1 - preliminary feedback undertaken from December 2018 to February 2019; and
- Stage 2 - preparation of the Draft Strategy and Action Plan and public exhibition, which was exhibited from 25 July 2019 to 21 August 2019.

Eight submissions were received during the exhibition period. In response to the submissions, minor amendments to the Strategy are recommended. There are no changes to the Action Plan.

As previously reported, the initiatives proposed in the Action Plan align to existing work plans/budget i.e. the remaining two years of the current Delivery Program. It is intended that the Action Plan be reviewed/updated annually in conjunction with preparation of each Operational Plan and Budget; and that the Strategy be reviewed in conjunction with preparation of the next Delivery Program and Financial Estimates.

As previously reported, Current funding for the project is appropriate. As the current adopted Delivery Program expires in 2020/21, funding for Year 3 of the Action Plan must be considered as part of preparation of the new Delivery Program.

Recommending:

1. **THAT** Council notes the submissions received.
2. **THAT** Council adopts the North Sydney Smart City Strategy and Action Plan.

7. Planning Proposal No. 1/18 - 23-35 Atchison Street, St Leonards - Post Exhibition Report

Report of Joanne Chan, Strategic Planner

On 25 June 2018, Council resolved to forward a Planning Proposal (PP1/18) to the Department of Planning, Industry and Environment (DPIE) to allow exhibition of the Planning Proposal to amend the planning controls relating to 23-35 Atchison St, St Leonards. In particular, the proposed amendments include:

- increasing the maximum building height from 20m to 56m;
- increasing the minimum non-residential floor space ratio (FSR) from 0.6:1 to 1.5:1; and
- imposing a total maximum floor space ratio of 6.3:1.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA), which includes the dedication of a 5-metre wide strip for the purpose of a linear park along Oxley Street, provision of a publicly accessible 6-metre wide laneway from Atchison Street to Albany Lane along the western boundary of the site, and a \$2,800,000 monetary contribution towards the upgrade of Hume Street Park.

Council also resolved to exhibit an amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) which seeks to facilitate a 6m two ground level setback along Atchison Street extending up to two storeys in height.

The Planning Proposal, amendment to NSDCP 2013 and Voluntary Planning Agreement were placed on public exhibition from Thursday 4 April to Thursday 2 May 2019. A total of 56 submissions were received. Of these submissions, 4 supported the proposal (including 1 from a Precinct Committee), 51 objected to the proposal and 1 neither supported nor objected to the Planning Proposal.

Whilst it is acknowledged that the proposal has attracted a significant number of objections relating to amenity impacts (in particular overshadowing and traffic impacts), it needs to be recognised that the precinct is undergoing significant change and there is an opportunity to manage growth through the

delivery of the desired objectives and outcomes within the endorsed *St Leonards Crows Nest Planning Study – Precincts 2 & 3*.

The issues raised, such as scale of development, overshadowing, view loss and traffic congestion, when critiqued against this study and the broader context of St Leonards/Crows Nest, are not considered sufficient to warrant an amendment to the Planning Proposal. 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.

Condition 5 of the Gateway Determination required that prior to finalisation, the Planning Proposal be updated to demonstrate consistency with any available findings of the St Leonards/Crows Nest strategic investigations being undertaken by the DPIE. The Planning Proposal was updated on 17 January 2019 addressing the *St Leonards and Crows Nest Draft 2036 Plan*. Given that no further updates have been made to the draft Plan, no further amendments to the Planning Proposal are required in this regard.

It is recommended that Council resolves to forward the Planning Proposal to the DPIE with a request that the Plan be made. It is also recommended that Council endorses the amendments to NSDCP 2013 in order to facilitate the 6m two storey ground level setback associated with the proposal.

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

- the dedication of a 5-metre wide strip for the purpose of a linear park along Oxley Street;
- provision of a publicly accessible 6-metre-wide laneway from Atchison Street to Albany Lane along the western boundary of the site; and
- a \$2,800,000 monetary contribution towards the upgrade of Hume Street Park or public open space within the North Sydney Local Government Area.

Recommending:

1. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal (Attachment 2) to the Department of Planning, Industry 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 617-621 Pacific Highway, 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 in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, Council adopts the amendments to North Sydney Development Control Plan 2013 forming Attachment 5 to this report.

5. THAT in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the adopted amendments to North Sydney Development Control Plan 2013, along with this Council report and resolution be forwarded to the Planning Secretary of the Department of Planning, Industries and Environment.

6. **THAT** Council notify all submitters of Council's decision.

8. **Implementation of the Ward Street Precinct Masterplan**

Report of Marcelo Occhiuzzi, Manager Strategic Planning

Council first commenced the process of preparing a Masterplan for the Ward Street Precinct (“the Masterplan”) in early 2016 to provide the appropriate development and public domain framework for a precinct that is undergoing significant and transformational change. The Masterplan preparation process included significant community and stakeholder engagement and external consultant assistance to achieve the stated objectives of the project. The resulting Masterplan was adopted by Council at its meeting on 22 June 2019. In adopting the Masterplan, Council in part, resolved:

...to progress the Masterplan by preparing an implementation plan containing:

- a) strategies to maximise wider benefits within the precinct (including staging, flexibility, timelines, sound financial management, continued commitment to high quality outcomes and design qualities in the realisation of the masterplan);*
- b) further financial analysis; and*
- c) a probity plan to ensure that Council's dual role of landowner and regulator are managed and transparent.*

Given the complexities and risks associated with the various actions and steps required to realise the vision espoused by the Masterplan, it is necessary to systematically plan for the Masterplan's implementation process. Given the interactions that are likely to be required with the development sector involving Council's land, there are various legal, procedural, financial and reputational risks that must be actively managed in order to eliminate or minimise such risks. This report updates Council on the various actions that are currently being pursued in light of Council's resolution regarding an implementation strategy. These initiatives include:

- Creation of an internal governance structure that recognises the perceptions of conflicting roles of landowner/developer and regulator that the organisation plays in pursuing the implementation of the masterplan
- Preparation of a Probity Plan
- Preparation of a Communications Plan
- Seeking further market advice with regard to Council's asset and value capture scenarios
- Appointment of a Project Manager to oversee the coordination of the process and future negotiations and interface relationships with third parties.
- Pursuing further design resolution regarding public spaces including the plazas and community spaces to be provided on site to ensure they provide for the necessary public benefits identified by the Masterplan.

This is the first of a series of reports that will update Council on the process of the implementation of the Masterplan.

The lease that is currently tied to Council's land which functions as a car park, will cease to operate in 2020. This liberates this asset to perform a central role in the realisation of the vision espoused by the Masterplan. Early advice received during the preparation of the Masterplan, indicates that more than the

entire current value of the existing asset will be realised with the sale of only (approximately) 30% of the asset. This will need to be further market tested and refined, however, it is clear that significant value can be extracted by Council's land contribution to a development scenario that will also deliver other important city making objectives such as significant improvements to the public domain, jobs creation and embellishing North Sydney's identity and competitiveness.

The appointment of a temporary senior project manager to oversee the critical implementation steps and actions will require an investment by Council.

In the interim, preparations are underway to manage the Ward St Carpark post cessation of the lease. This matter is being reported on under a separate title on this agenda - see Item 23.

Recommending:

1. THAT Council notes the directions outlined in this report.

2. THAT Council endorses in principle the appointment of a Senior Project Manager, subject to funding being considered at the first quarterly budget review.

9. Local Government Wide Planning Proposal

Report of Marcelo Occhiuzzi, Manager Strategic Planning

The Greater Sydney Commission (GSC) created the Regional Plan for Sydney, *A Metropolis of Three Cities* and six District Plans including the *North District Plan* in 2018 to guide and manage the future development and growth of Sydney. The NSW Government has mandated that all Councils must undertake a range of strategic planning work and analysis to bring local planning controls and policies into alignment with the wider GSC vision, objectives and actions as outlined in these plans. The relevant legislation requires that this be achieved within three years. Council endorsed the acceptance of LEP Acceleration Funding in late 2018 which requires that this program be completed in two rather than three years.

Council has previously endorsed an initial LEP Review, the purpose of which was to determine the level of consistency between Council's planning documents and the *North District Plan*. This process identified that there was a relatively close alignment between the provisions of the *North District Plan* and Council's planning framework. Council has subsequently prepared the *Local Strategic Planning Statement (LSPS)* as well as the *Local Housing Strategy (LHS)* in addition to a host of other studies that will contribute to this alignment over time.

A pivotal component of this alignment process is the preparation of a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* to give effect to some of the strategic directions that have been identified through the LSPS, LHS and other relevant strategic planning work. The LSPS in particular is seen as the key link between Council's local planning controls and the higher-level provisions and aspirations outlined in the *North District Plan* and is planned to be reported to Council in October 2019.

New plan making procedures introduced in 2018 mean that it will be necessary to report the LGA wide Planning Proposal to the North Sydney Local Planning Panel for its advice prior to being able to be reported to Council. This gives rise

to an unusual situation in that Council will be considering a Planning Proposal for the first time when it is reported in November 2019 but which has already been publicly ventilated in a different public forum.

The purpose of this report, therefore, is to provide Council with a high level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel in October 2019. Because of the challenging timeframes for completion of the LSPS and LHS, this report provides only a conceptual overview of the likely broad parameters of the Planning Proposal that will be reported to Council in a more detailed form in November 2019. It is nonetheless ahead of it being reported to the Local Planning Panel.

Council entered into a grant funding agreement with the Department of Planning Industry and Environment in late 2018 which facilitates the funding of projects associated with the preparation of the Planning Proposal which is the subject of this report.

Recommending:

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

10. **Small Bars and Trading Hours in Kirribilli Village**

Report of Lara Huckstepp, Executive Planner

On 24 September 2018 Council resolved to prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli, in response to the outcomes of community consultation. This report explores options for implementation.

It is recommended that a planning proposal be prepared to amend the North Sydney Local Environmental Plan 2013 to allow small bars as an additional permitted use on certain sites located in the Kirribilli Village which do not have an interface with a residential zone. It is considered that by limiting the location of small bars to properties fronting Broughton Street and Ennis Road, impacts to the surrounding residential properties will be minimised.

It is also recommended that the North Sydney Development Control Plan (NSDCP) 2013 be amended to extend the maximum allowable trading hours for these sites considered suitable for small bars (i.e. without a residential interface) until 12midnight (Thursday to Saturday); 11pm (Monday to Wednesday) with no changes to Sunday (10pm).

Trading within all other areas within Kirribilli Village is proposed to 11pm (Thursday – Saturday) and 10pm Sunday – Wednesday. This represents an extension of trading hours for a number of properties and in light of support for longer trading hours, is considered appropriate given their proximity to the residential zone interface.

Existing DCP controls are already in place to mitigate impacts of late night uses within all localities across the Council area which will continue to apply to the Kirribilli Village, such as requirements for acoustic reports and testing, closing of doors and windows at appropriate times and plans of management for small bars. A further DCP requirement is recommended to ensure that new small bars in Kirribilli have their patron entries to either Broughton Street or Ennis Road. Patron noise is often exacerbated when leaving premises. This control seeks to minimise impacts to surrounding residential properties.

The proposed amendments to Council's LEP and DCP controls are considered to respond to the community consultation outcomes supporting later trading hours and small bars in Kirribilli Village, while balancing the need to appropriately protect the unique local character.

No funding has been allocated. Funds previously spent for the consultation were within existing budget lines in 2018-2019.

Recommending:

1. THAT Council prepare a planning proposal to amend North Sydney Local Environment Plan 2013 to include an additional permitted use under Schedule 1 to allow small bars within those parts of Kirribilli Village that are not located adjacent to a residential interface.

2. THAT the Planning Proposal be referred to the Local Planning Panel for their advice prior to being reported back to Council for the purposes of seeking a Gateway Determination.

3. THAT Council prepare an amendment to North Sydney Development Control Plan 2013 Section 7 (Late Night Trading) to extend trading hours for the Kirribilli Village and strengthen development controls relating to small bars within Kirribilli Village.

4. THAT once resolution 3 has been completed, that the draft DCP amendment be reported back to Council for adoption and endorsement to be placed on public exhibition.

5. THAT the Planning Proposal and draft DCP amendment be exhibited concurrently.

11. Greenwood Long Day Care – Renewal of Management Agreement 2020-22

Report of Martin Ellis, Director, Community and Library Services

KU Children's Services (a not-for-profit organisation) has managed Council's 28-place Long Day Care Centre at Greenwood Plaza since 1992. Council has a 99-year peppercorn lease over the property, expiring in 2087. This report recommends renewal of the Management Agreement for the same period as currently and under the same terms and conditions.

KU's Annual Management Fee is currently \$31,901, inclusive of GST. Average annual maintenance costs for the Centre are \$19,000.

Recommending:

1. THAT Council renew its lease with KU Children's Services for three years from 1 January 2020 for the management of Greenwood Long Day Care Centre, with the operator and Council (by mutual agreement) having the option to extend the contract for a further 12 months under the same terms and conditions.

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

12. Nutcote Trust Constitution – 2019 Amendment

Report of Martin Ellis, Director, Community and Library Services

This report recommends an amendment to the Nutcote Trust's Constitution be approved.

Under the 1990 Constitution the only shares in the Company were held by:

- (i) Council (as a legal person); and
- (ii) the then General Manager (in a personal capacity).

This allowed that the share could continue to be held by the General Manager even after leaving Council's employment. A new Constitution adopted in 2017 removed this anomaly and provided the opportunity for both shares to be held by Council (as a legal person).

This share transfer was enacted on 21 December 2017 and the Nutcote Trust so advised ASIC. Consequently, the Nutcote Constitution now needs to be amended to reflect this. For the amended constitution to be adopted at the upcoming Annual General Meeting, Council needs to grant approval beforehand.

Council contributes annually to Nutcote's operating costs (for 2019/20) an amount of \$39,600 and an additional estimated \$18,500 towards rates and maintenance. In return the museum and grounds are open to the public Wednesday to Sunday, managed by a volunteer Board and supported by a small army of volunteers offering guided tours, exhibitions, events, children's parties, gardening services and gift shop and café service.

Recommending:

1. THAT Council resolves to approve the Constitution of Nutcote Trust Pty Ltd (ACN 003 963 148) dated 28 August 2019 at the 2019 Annual General Meeting.

13. Quarterly Review of the Delivery Program 2018/19-2020/21 for the Period 1 April to 30 June 2019

Report of Sarah Malcolm, Corporate Planning Coordinator

The *North Sydney Council Delivery Program 2018/19-2020/21* was adopted on 25 June 2018, incorporating the *Operational Plan 2018/19* (Year 1 of the Delivery Program). The adopted Delivery Program includes projects and services. The Quarterly Review includes a status update of these projects and cross functional operational key performance indicators (KPIs). It is a statutory IPR requirement to present the biannual performance reports against the Delivery Program to the Council.

323 projects were scheduled to commence in the second half of Year 1. All projects commenced, 96% projects are on track (green or blue status) and 4% projects are behind schedule/delayed (red or amber status).

The following provides a status summary by Community Strategic Plan Direction:

1. Our Living Environment - 62 on track or completed, 4 projects delayed / not progressing
 2. Our Built Infrastructure - 62 on track or completed, 3 projects delayed / not progressing
 3. Our Future Planning - 45 on track or completed, 3 projects delayed / not progressing
 4. Our Social Vitality - 73 on track or completed, 1 project delayed / not progressing
 5. Our Civic Leadership - 67 on track or completed, 3 projects delayed / not progressing
-

The exceptions report summarises the projects that are marked “off track” or “not progressing,” and outlines their remediation plans.

Full financial performance information is detailed within the Quarterly Budget Review for the June quarter presented separately to Council.

Recommending:

1. THAT the Quarterly Performance Review of the Delivery Program – 1 April to 30 June 2019 be received.

2. THAT Council notes the remedial action for those projects that were not on track for the period ending 30 June 2019.

14. Quarterly Budget Review - June 2019

Report of Darren Goode, Manager Accounting Services

The purpose of this report is to inform Council of the results of the review of the budget for the quarter ended 30 June 2019 and seek approval for the carry forward amounts.

In the past, a fourth quarter budget review has not tended to be completed as it has been overtaken by end of year reporting. In order to further improve budget oversight and align financial reporting with reporting against the Operational Plan, it is intended to complete a fourth quarter budget review in the future. The end of financial year reporting, including any accrual adjustments required under the Accounting Standards will also continue to occur in line with external auditing timeframes.

For the year ended 30 June 2019, Council achieved a net operating surplus before capital grants and contributions of \$2.9 million. After allowing for net transfers from reserves of \$11.4 million, the revised budget surplus was \$3.1 million.

Recommending:

1. THAT the Quarterly Budget Review – June 2019 report be received.

2. THAT the 2019/20 budget be amended to reflect funds carried forward from 2018/19 to complete projects as outlined in the report. The amendments will be presented with the revised budget at the first quarter review for 2019/20.

15. Investments and Loan Borrowings Held as at 31 August 2019

Report of Garry Ross, Manager Financial Services

This report provides details of the performance of Council’s investment portfolio and borrowing limits for the period ending 31 August 2019.

Investment Portfolio:

The performance of the Investment portfolio excluding cash deposits provided an annualised return of 2.97% for the year to date as at 31 August 2019, 1.15% above the reportable benchmark (BBSW Bank Bill Index). Interest returns remain consistently above the benchmark.

Borrowings:

Council has entered into a principal and fixed loan of \$9.5 million.

The 2019/20 budgeted returns on investments is estimated to be \$1,500,000.00.

This is significantly less than previous returns due to the declining cash reserve balances and continued low interest rates. Any surplus funds generated in excess

of adopted estimates will be transferred to Council's internally restricted reserves.

Investments and Loan borrowings funding comply with Council's Financial Management Policy.

Recommending:

1. THAT the report on Investments and Loan Borrowings held as at 31 August 2019 be received (This report was provided to the Governance & Finance Committee on 9 September 2019 for information).

16. Local Area Traffic Management Action Plans – Progress Report 2018/19

Report of Michaela Kemp, Traffic & Transport Operations Manager

At the Council meeting on 4 December 2017 (EPS01 – Min. No. 478) Council adopted Local Area Traffic Management (LATM) Action Plans for seven zones across the North Sydney local government area. LATM Action Plans consider the current and future traffic and parking situation in each identified area; and recommend and prioritise traffic and parking measures to protect, maintain and improve access, and manage traffic and parking.

The LATM Action Plans are reviewed and updated on an ongoing basis to ensure they are relevant and current, as actions within the LATM Action Plans are investigated and completed, and as new issues arise.

The purpose of this report is to provide a formal update on the progress of implementation of the LATM Action Plans. It is intended that a similar annual update report will be provided at the conclusion of each financial year.

There are no financial implications arising from this report. Projects within the LATM Action Plans are determined and implemented subject to annual budgets. The 2019/20 Delivery Program includes \$1,000,000 for LATM Implementation. Council also receives grant funding of \$260,000 from the RMS each year towards the installation of new signs and lines and the maintenance of existing signs and lines.

The LATM Action Plans are also used to develop and plan funding applications from external sources such as RMS Black Spot Program and RMS Active Transport Program.

In 2018/19 Council received \$136,580 of grant funding towards the delivery of 4 LATM projects.

Recommending:

1. THAT the Local Area Traffic Management Action Plans – Progress Report 2018/19 be received.

17. Management of Crown Land in North Sydney

Report of Megan White, Landscape Architect/Planner

There are 37 areas of Crown land as designated by the Department of Industry Crown Lands in the North Sydney Council area. Crown land is further divided according to specified management type into either 'Reserve Trust' (21 parcels of land) or 'Devolved to Council' (16 parcels of land).

Following the introduction of the *Crown Land Management Act 2016 (CLM Act 2016)*, Councils have been granted Council Crown Land Manager status over all areas of Crown land that are managed as Reserve Trusts. In accordance with the *CLM Act 2016*, Council must now manage this land consistent with the relevant Plan of Management prepared under the *Local Government Act 1993 (LG Act 1993)*. However, Crown land that is Devolved to Council cannot be leased or licensed by Council and cannot have a Plan of Management in place to govern its use.

In the interest of holistic management of public open space in North Sydney, this report therefore recommends that Council seeks approval from the Minister to be granted Council Crown Land Manager status over the 16 parcels of land that are Devolved to Council.

Nil.

Recommending:

1. THAT That Council seek approval from the Minister for Lands and Forestry to grant North Sydney Council Crown Land Manager status over the 16 parcels of Crown Land identified in this report as Devolved to Council and seek their inclusion into the relevant generic and specific Plans of Management that will be prepared in accordance with the *Crown Lands Management Act 2016*.

18. North Sydney Single Use Plastics Policy - Post Exhibition

Report of Niki Carey, Senior Sustainability Programs Coordinator

This report summarises the feedback received on the attached “Single Use Plastics Policy” during the consultation period and seeks approval to adopt it as policy.

There is likely to be some financial impact to effectively implement the Single Use Plastics Policy, including capital costs to purchase possible additional crockery, dishwashers, and portable water stations, as well as potential increased operational costs to hire reusable materials and purchase compostable and recyclable alternatives to single use plastics.

There will also be an element of cost saving where policy prompted procurement reviews may determine that certain single use items are no longer required and do not need to be replaced.

Actions arising from the Policy will be subject to funding and viability considerations in future budgets.

Recommending:

1. THAT the “Single Use Plastics Policy” is adopted as Council policy.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NoM01: Notice of Motion No. 9/19 – Cr Mutton – 13/09/19

Re: Smoking and Vaping on Streets and Public Places

1. **THAT** public consultation be undertaken to determine community support for extending the ban on smoking beyond the CBD to all streets and public places in the Council area.

2. **THAT** public consultation be undertaken to determine community support for banning vaping in the streets and public places in the Council area.

Background:

In 1955 Sir Richard Doll published a report of his research that conclusively linked tobacco smoking with lung cancer.

Eleven years later, in 1964, the US Surgeon General issued a report that, in effect, endorsed Doll's report – cigarette smoking causes cancer.

In 1997 the British Medical Journal reported that passive smoking caused lung cancer

In September 2019 the New York Times reported 450 cases of people with severe lung illness linked to vaping and that the US e-cigarette industry group, Vapor Technology Association, has taken action against the US Government, to delay the Government's collection and review of the health-related data.

Simon Chapman, Emeritus Professor at Sydney School of Public Health, University of Sydney said last August:

"The full disaster of smoking's health effects did not become apparent for 40 years after smoking became widespread. With vaping only being widespread in some countries for 10 years, it is far too early to know the full risks of e-cigarettes. But 160 (now 450) serious cases of lung disease in 15 US states, including one death may be an ominous 'canary in the coalmine' of what lies ahead.

This death and the 160 (no 450) other serious cases of lung disease being investigated underscore just how prudent Australia's precautionary approach to e-cigarette regulation is. Evil genies are very, very hard to get back in their bottles.

The average daily vaper inhales a cocktail of vapourised nicotine, propylene glycol and chemical flavouring agents deep into their lungs 200 times a day or 73,000 times a year. We have no idea what the long-term consequences of this are. Vapers are being treated like human lab rats by the vaping and tobacco industries which have all now bought into e-cigs."

On 24 September 2018, Council resolved that public consultation be undertaken to determine community support for making the whole of the North Sydney CBD smoke free.

On 22 July 2019, Council noted the outcomes of the consultation and resolved:

- to proceed with banning smoking in the North Sydney CBD.
- to define the geographical boundary where smoking is prohibited as being the North Sydney CBD boundary defined in the North Sydney Local Environmental Plan 2013;
- rescind the Smoking in Public Places Policy adopted by Council in 2011 and amended in 2017;
- adopt the Smoke Free Environment - Declared Public Areas Policy; and
- undertake a two-stage program to introduce the smoking prohibition as outlined in this report, with a Council report on Stage 1 by March 2020.
- that the area where smoking is prohibited be extended to include the Council Chambers and the Civic Centre.

Having recognised that passive smoking poses a danger Council should not limit its efforts to make a safe(r) environment to some and not all streets; it should also address the looming risks associated with vaping.

Confidential Matters

19. Public Art

Report of Martin Ellis, Director, Community and Library Services

Council has a Public Art Policy that enables it to accept Donations of Public Art. This is a point of some significance given that the Council-funded Public Art Trail program has been fully utilised.

A separate Confidential report has been provided outlining opportunities that Council may wish to consider. If Council wishes to discuss the opportunities in detail it will be necessary to do so in Confidential Session in accordance with s10A 2(d) of the Local Government Act.

- There are no funds for the creation of additional Public Art in the current Delivery Plan.
- Completion of the existing Public Art Trail involved the expenditure of \$356,000 for three vacant sites:
 - First Methodist Church Site (corner Blue Street and Pacific Highway) \$100,000 in 2016.
 - Victoria Cross in 2017 (via a Deed with the private owner) \$150,000.
 - St Peter's Park \$100,000 in 2019.
 - Public Art Trail App \$6,000 in 2017.
- The adopted *North Sydney Arts & Cultural Strategic Plan 2019-2022* foreshadows a Biennial Public Art Commission of \$100,000, in the next Delivery Plan.

Recommending:

1. THAT Council note the status of the Public Art program and authorise consideration of potential future donations as outlined in the Public Art Policy and Confidential Report.

20. Affordable Housing Need in in North Sydney 2016-2036

Report of Martin Ellis, Director, Community and Library Services

Council's 2015 Affordable Housing Strategy, based on a Background Study produced on the 2011 Census, has now been updated with the 2016 Census data. More recent data has been used to produce an update of Council's *Strata Prices 2011-19 and Sales and Rental Trends* report. A summary of the 2019 *Background Report* and the whole of the *Sales and Rental Trends* report are provided here.

The results are clear: that affordable housing options in North Sydney have narrowed and show no signs of getting better: a significant group of residents are at risk of homelessness, or at best, being progressively priced out of living in the North Sydney LGA.

Council's sole current, but nevertheless vital, role in responding to these facts is the maintenance of its existing community housing stock, managed by the local approved provider: Link Housing.

The mechanism for Council's accumulation of funds levied to provide replacement beds was closed by Ministerial Directive in 2009. Funds gathered

prior to 2009 - currently amounting to \$4.381million - have until recently been set aside as a contribution to the discontinued Parraween Street Car Park project. The recommendation of this report is that Council move to make its final capital investment in easing the housing crisis for some of its most vulnerable residents. Such an investment would not diminish the major maintenance fund (currently \$1.632 million) required to keep the existing stock at the required standard of amenity

The Stubbs Report's key finding in Housing Stress, for the North Sydney LGA, is as follows:

- A total of 5,098 households in stress in 2016 (compared with 4,900 in 2011). Housing stress is defined as when low, very low and moderate-income households pay more than 30% of their gross income on rental or mortgage repayments.

Key findings in Social Housing are as follows:

- Between 2001 and 2016 the number of social housing dwellings in North Sydney has declined from 570 to 532
- North Sydney LGA is covered by two FACS zones. Waiting times for both zones is 5 to 10 years.

Social Housing is defined as dwellings managed by a Community Housing provider (or FACS) where residents are protected by legislation which caps their rent at 30% of their income.

The key finding for Boarding Houses, traditionally a source of low-cost housing, is as follows:

- The number of Boarding Houses in North Sydney as at July 2019 was 21 (down from 26 in 2011 and 66 in 1998).

Key findings of the Strata Prices 2011-2019 and Sales and Rental Trends report are as follows:

- All low and very low-income households are effectively excluded from the private rental market in the North Sydney LGA.
- While some affordable rental is available for moderate income households, this largely consists of studio and one-bedroom apartments.

The Stubbs Report finds that, if Council and the State Government in their differing capacities resolve to do nothing more than maintain the 2016 levels of affordable housing and rental housing within the North Sydney LGA, then the following targets will need to be met between 2016 and 2036:

- An additional 180 social housing dwellings (1.8% of projected).
- An additional 2,961 affordable private rental flats, units and apartments (approximately 30% of projected additional dwellings) including:
 - 141 affordable to very low-income households.
 - 564 affordable to low income households.
 - 2,256 affordable to moderate income households.
- An additional 136 beds in boarding houses.

In 2018/19, income from Council's Community Housing properties was \$880,930; expenses were \$360,429; Management Fee \$264,213; Surplus returned to Council \$254,901.

Restricted Reserves for Affordable Housing are: Major maintenance \$1,632,110; Capital purchase \$962,601; with an additional \$3,418,504 levied from the loss of affordable bed spaces under the then SEPP 10.

Under the 2009 Ministerial Directive (AHHSEPP), Council lost the right to retain levies for the loss of affordable housing, and no levies at all have been collected since 2013.

Conclusion: \$4.38 million is available now to purchase additional Community Housing beds and contribute to reducing North Sydney LGA's Social Housing waiting list.

Funding for the project is appropriate.

Recommending:

1. THAT Council explore with its approved Community Housing Provider options for increasing the number of social housing beds in North Sydney by utilising the capital funds accumulated for this purpose.

2. THAT at the next Quarterly Budget Review Council consider that an amount of \$4,381,105 be allocated to this project from funds collected for this purpose.

3. THAT the outcome of any improved or additional asset being purchased with these funds includes the stipulation that Council holds a majority share of the title.

4. THAT this report be referred to Council's Strategic Planning staff undertaking the Local Housing Strategy to ensure consistency of reporting on key indicators.

21. Provision of Security Services – Tender No. 8/2020

Report of Ben Colmer, Events Officer NYE

Tenders were called and were received until 4.00pm on 15 August 2019 for the submission of tenders to undertake the Provision of Security Services.

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

Security Services will be funded through the current New Year's Eve (NYE) budget allocation of \$406,000 and revenue raised through ticketing NYE.

The tender has been assessed in accordance with Council's adopted tendering procedures.

Recommending:

1. THAT Council accept a panel of the three highest scoring Tenderers for Tender No. 8/2020 to be appointed to provide security services for ad-hoc Council events except New Year's Eve (NYE) 2019.

2. THAT Council accept the highest ranked tenderer for Tender No. 8/2020 to be appointed as the sole provider for the provision of security services for NYE for the 2019 event only.

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

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

22. **North Sydney Olympic Pool Redevelopment – Quantity Survey Services – Tender No. 9/2020**

Report of Duncan Mitchell, Director Engineering and Property Services
Tenders were called and were received until 4.00pm on Wednesday, 4 September 2019 for the North Sydney Olympic Pool Redevelopment – Quantity Survey Services Tender 9/2020.

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

Funding for this project is included in the Draft 2019/20 budget.

Funding for this engagement for the redevelopment of the North Sydney Olympic Pool is included in the Draft 2019/20 budget.

Recommending:

1. THAT Council accept the highest ranked Tenderer for Tender No. 9/2020 for the North Sydney Olympic Pool Redevelopment – Quantity Survey Services Tender Stage 3 with the option to award Stage 4 on the commencement of that Stage.

2. THAT The General Manager be authorised to take any necessary action to implement the decision including entering into 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*.

23. **Stormwater Drainage Relining Works – Tender No. 11/2020**

Report of Jim Moore, Engineering Project Manager

Tenders were called and were received until 4.00pm on Tuesday 3 September 2019 for the submission of tenders to undertake Stormwater Drainage Relining Works for North Sydney Council.

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

Funding for these projects was included in the adopted 2019/20 budget.

Funding for the project is appropriate.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender No. 11/2020 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*.

24. Transfer of Ward Street Carpark Back to Council Ownership and Operation

Report of Cameron Sim, Manager Parking Stations

The Ward Street Carpark is located off Berry Street in the North Sydney Centre. The Carpark has a capacity of approximately 550 spaces across four levels. The carpark is currently leased to Wilsons Parking who operate the carpark with a mix of leased permanent spaces, casual parking spaces and Earlybird parking. The carpark is constructed on land leased by Council under a 50-year lease that commenced in August 1970. That lease expires in August 2020, and the ownership and operation of the carpark returns to Council.

The purpose of this report is to outline to Council the process required for the transfer of Ward Street Carpark back to Council ownership and operation in August 2020, at the conclusion of the 50-year lease that is presently held by Wilson Parking 1992 Australia.

The Ward Street carpark site is currently subject to a Master Planning process which is being undertaken by Council's Strategic Planning Department and is the subject of a separate Council Report that will be presented to Council tonight.

Financial considerations and implications of this project are addressed separately in the Confidential Memorandum that accompanies this Report.

The proposed capital budget allocation for this Project will be reported to Council through the Q1 financial report in the 2019/20 financial year.

Recommending:

1. THAT Council endorse the transfer of the Ward Street Carpark back into Council's Parking Stations business unit at the expiry of the current lease in August 2020, for ongoing operation as a public parking station until such time as the carpark site is redeveloped.

2. THAT Council note that the proposed capital budget allocation for this Project will be reported to Council through the Q1 financial report in the 2019/20 financial year.

25. Forsyth Park #1 Oval Reconstruction – Tender No. 10/2020

Report of David Manson, Manager Parks and Reserves

Tenders were called and were received until 4.00pm on Thursday 22 August 2019 for the submission of tenders to undertake Forsyth Park #1 Oval Reconstruction.

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

Funding for this project is included in the adopted 2019/20 budget.

This project received grant funding from the Australian Government through Sport Australia. North Sydney Council where successful in obtaining funding of \$135,000 through Round 2 of the Community Sport Infrastructure Program. This funding will assist Council with the implementation of the improvements works at Forsyth Park.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 10/2020 for Forsyth Park #1 Oval Reconstruction.
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*.

26. Performance Review of the General Manager to June 2019

Report of Matthew McArthur, Chief Executive Officer, McArthur

The performance review of the General Manager was conducted on 10 September 2019. The review was conducted by the Performance Review Panel appointed by Council consisting of the following Councillors:

- Mayor, Cr Jilly Gibson
- Deputy Mayor, Cr Stephen Barbour
- Cr Jessica Keen
- Cr Ian Mutton

Also in attendance:

- Ken Gouldthorp, General Manager

The Panel was facilitated by Matthew McArthur from McArthur, a national recruitment and HR Consulting firm with extensive experience in the conduct of performance reviews in local government.

A separate Confidential Report has been provided to Council.

If Council would like to discuss this matter, it will be necessary to close the meeting in accordance with the Office of Local Government Guidelines on the Appointment and Oversight of General Managers and s10(2)(a) of the Local Government Act - Personnel Matters Concerning Particular Individuals (other than Councillors).

Senior staff salaries are reported in the Annual Report in the format and detail stipulated in the Local Government Act.

Recommending:

1. **THAT** the Confidential Report from the Review Panel on the General Manager's Performance Review for the period to June 2019 be accepted;
2. **THAT** the Mayor be authorised to implement the recommendations of the Review Panel; and
3. **THAT** the Report of the Review Panel be treated as Confidential in accordance with Office of Local Government Guidelines on the Appointment and Oversight of General Managers and s10A(2)(a) of the Local Government Act.