



Council Chambers
24 October 2019

The 3724th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 28 October 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.

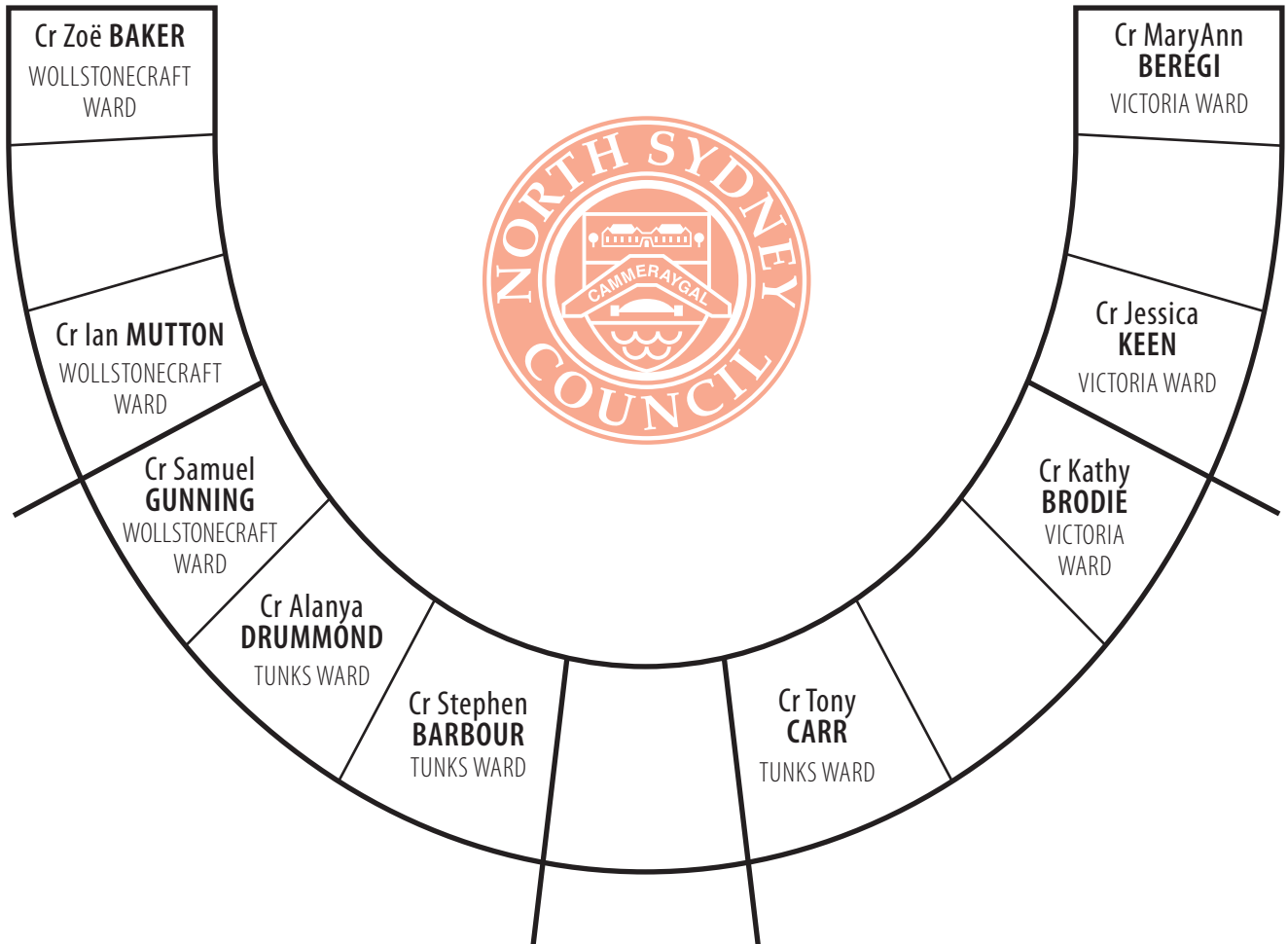
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- **Opening Meeting**
 - **Acknowledgement of Country**
 - **Apologies and Applications for Leaves of Absence by Councillors**
 - **Confirmation of Minutes**
 - **Disclosures of Interests**
 - **Mayoral Minutes**
 - **Reports of Committees**
 - **Reports 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

COUNCIL MEETINGS



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. Members of the public should acknowledge the Chairperson when entering or leaving the Chamber whilst the meeting is in progress.
6. Members of the public gallery must turn all mobile phones to silent 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.
7. 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: 3724th MEETING OF COUNCIL TO BE HELD ON MONDAY, 28 OCTOBER 2019

THAT THE MINUTES of the previous 3723rd Council Meeting held on Monday, 23 September 2019 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

MM01: 54th International Children's Games

The Northern Suburbs Basketball Association (NSBA) has contacted me to ask whether North Sydney Council would consider taking a delegation of young athletes aged 12 to 14 years to the 54th International Children's Games which will be held in Hungary next year. The games will run from 30 June to 5 July 2020 in the city of Kecskemet.

The NSBA is hoping to send a male and female team to the games to compete in the 3x3 basketball competition. The NSBA girls team are the national 3x3 champions and the NSBA boys team were undefeated at Marvel Stadium in the curtain raiser games before the international matches played as a warm up to the FIBA Basketball World Cup in September. The NSBA considers both teams would be very competitive at the international level.

The NSBA cannot compete in Hungary unless North Sydney Council provides an official to lead the delegation. There are nine sports played at the games, so

if Council were to support a delegation, other sporting clubs and local schools could also be invited to send teams. The nine sports are: athletics; swimming; tennis; table tennis; judo; football; handball; basketball 3x3; and beach volleyball.

As the leader of the delegation, the person nominated by Council would need to attend some official ceremonies at the event. The only cost to Council would be the cost of the airfare to Hungary as the host city will provide other costs including accommodation, transfers and activities. Any students participating in the games would be required to pay their own airfares. Parents travelling with their children need to meet all their own costs.

The NSBA is the first NSW club training athletes in the fastest growing participation sport in the world. 3x3 basketball has been played for many years in Europe and will be an official Olympic event starting in the 2022 Olympic Games. A 3x3 game is played on a half court so it makes good use of scarce stadium space. The teams can't be coached during the game so the players learn additional skills in subbing themselves on and off and devising strategy during the game.

If Council wants to support the NSBA request, it can select either a Councillor or senior member of staff to lead the delegation

I therefore recommend:

- 1. THAT** Council determine whether it is prepared to support a delegation to the International Children's Games in 2020; and
- 2. THAT** Council determine who should lead the delegation.

Reports of Committees

1. **Audit, Risk and Improvement Committee Minutes - 8 October 2019**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the meeting of the Audit, Risk and Improvement Committee (ARIC) held on 8 October 2019 for Council adoption. The Minutes are attached for information.

Council has allocated \$87,125 in the 2019/20 budget for external audit functions - nil expended to date. Council has allocated \$98,270 in the 2019/20 budget for the internal audit program - \$1,000 has been expended to date.

Recommending:

1. **THAT** the status of past internal audit recommendations be received and noted. (AR01)
2. **THAT** this report and the status of the Internal Audit Plan be received and noted. (AR02)
3. **THAT** the Office of Local Government discussion paper on the new risk management and internal audit framework is communicated further with all stakeholders to form a view on whether to collate a combined response on behalf of the shared service before submissions close on 31 December 2019. (AR02)
4. **THAT** the Internal Audit Report of Business Continuity Management be received and noted. (AR03)
5. **THAT** the 2019 Draft Audited Financial Statements be received and noted. (AR04)
6. **THAT** the North Sydney Engagement Closing Report 2019 be received and noted. (AR05)

2. **Traffic Committee Minutes - 18 October 2019**

Report of Ian Curry, Manager Governance and Committee Services

This report presents the recommendations of the last meeting of the Traffic Committee held on 18 October 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/Committees/Traffic_Committee/2019/18_October_2019

Recommending:

1. **THAT** North Sydney Council note the response by Mosman Council and express extreme disappointment towards their lack of action and co-operation on this critical traffic matter. (5.4)
 2. **THAT** the Mayor request an on-site meeting with the Mayor of Mosman, Cr Simon Menzies (Chair of the Mosman Traffic Committee), Ms Felicity Wilson, John and Barbara Potter and Andrew Condon to progress this matter. (5.4)
 3. **THAT** Council inform RMS that the status quo must remain on the basis that Sydney Water require the use of the parking lane on West Street for their essential works until 2021. (7.1)
 4. **THAT** Council will need to address any complaints with regard to queuing on West Street in the meantime. (7.1)
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5. **THAT** RMS relocate the mail box and signage to the northern side of the driveway to 135 West Street as negotiated with Australia Post. (7.1)
6. **THAT** the information regarding Delegated Authority items be received. (4.1)
7. **THAT** the recommendations made for changes in the parking restrictions be received. (4.2)
8. **THAT** the parking restrictions installed in Resident Parking Area 20 – Cammeray on 25 February 2018 remain. (4.3)
9. **THAT** Council adopt the attached parking restriction recommendations for Parking Area 2. (4.4)
10. **THAT** Council notify the residents before installing the parking restriction changes in Parking Area 2. (4.4)
11. **THAT** the new parking restrictions be reviewed six (6) months after the date of installation in Parking Area 2. (4.4)
12. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (5.1)
13. **THAT** the information concerning Gerard Street and Macpherson Street Traffic Control Signals Standing Item be received. (5.2)
14. **THAT** it be noted that RMS provided feedback that the crossing does not meet the numerical warrant for traffic signals in terms of the number of pedestrians and that this is being further investigated by Council officers. (5.2)
15. **THAT** the information concerning Standing Item - Military Road B-Line be received. (5.3)
16. **THAT** it be noted that the Mayor and Councillor Keen will attend a site meeting with members of the community in regard to concerns at the pedestrian crossing on Military Road at Cabramatta Road. (5.3)

3. **Legal and Planning Committee Minutes - 21 October 2019**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 21 October 2019 for Council adoption. The Minutes are attached for information.

Nil.

Recommending:

1. **THAT** the Current Appeals and Results – October 2019 report be received. (LP01)
2. **THAT** the Community Ward Forums be deferred and held between March and June 2020 to facilitate a greater level of publicity and participation. (LP02)
3. **THAT** Council make a submission to the Office of Local Government in respect of the Reporting and Compliance Burdens on Local Government Review as outlined in this report. (LP03)
4. **THAT** Council’s Strategic Planning Department explore options to modify Council’s Development Control Plan:
 - a. Extending Construction hours from 5pm Monday to Friday and up to 7pm for developments within zones B3 (Commercial Core) and B4 (Mixed Use).
 - b. Permitting hours of operation up to 9pm for fit-out works subject to the Development Application process. (LP04)
5. **THAT** the Variations to Development Standards report be received. (LP05)

Reports to Council

4. Matters Outstanding – October 2019

Report of Ken Gouldthorp, General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 23 September 2019 is presented.

Recommending:

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

5. North Sydney Visitor Economy Strategy - Post Exhibition

Report of James Marshall, Economic Development Coordinator

The *North Sydney Visitor Economy Strategy* provides the strategic direction to guide the growth of a sustainable visitor economy for the future of the North Sydney Local Government Area (LGA), by increasing promotion of existing tourism products and experiences and supporting the development of new ones. The intention is to increase visitor spend of existing visitor markets, including visiting friends and relatives, not necessarily to significantly increase visitor numbers. The Strategy is supported by a prioritised Action Plan.

The Draft Strategy and Action Plan were developed in two stages:

- Stage 1 - preliminary community engagement in May 2019; and
- Stage 2 - preparation of the Draft Strategy and Action Plan, and public exhibition from 5 September to 3 October 2019.

Fifty-two (52) submissions were received during the exhibition period, as summarised in Attachment 1. In response to the submissions, several amendments to the Strategy and Action Plan are recommended, as well minor amendments throughout to improve consistency and readability, as detailed in Attachment 2.

As previously reported, the Strategy development was funded through the LEP Acceleration Fund. 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 years 3 to 5 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 Visitor Economy Strategy and Action Plan.

6. North Sydney Local Housing Strategy - Post Exhibition

Report of Karen Buckingham, Executive Strategic Planner

Council, at its meeting on 29 October 2018, endorsed the acceptance of LEP Acceleration Funding. On 19 November 2018, it considered a report identifying future projects that will form part of the broader LEP review. The Local Housing Strategy (LHS) is one of the mandated projects detailed in that report. As reported to Council on 24 June 2019, the draft North Sydney Local Housing Strategy (LHS) fulfils a required milestone obligation for the LEP Acceleration Grant Funding and forms the strategic framework for the delivery of housing in the North Sydney Local Government Area (LGA).

The LHS identifies that Council will meet the implied dwelling targets prepared by the Department of Planning, Environment and Industry (DPIE). This will be achieved by virtue of its existing zoning regime with the addition of the growth anticipated by the *draft St Leonards/Crows Nest 2036 Plan* and by continuing Council's approach of place-based planning with detailed consultation. The LHS also identifies an evident housing supply gap in the affordability of housing particularly for key workers and very low to low income households. At its meeting on 24 June 2019, Council resolved to endorse the draft LHS for public exhibition.

The exhibition ran from 4 July to 15 August 2019. Feedback was sought via an online submission form, invitation for written submissions and at three drop-in information stalls.

This report presents for Council's endorsement, the outcomes of the public exhibition and the finalised North Sydney LHS. In total, 54 submissions were received, comprising 48 written submissions and 4 online submission forms (Attachment 2). The key points raised in submissions received are as follows and are expanded upon in the main body of the report:

- General (purpose, tone and direction of the LHS);
- Density;
- Housing diversity;
- Built form outcomes;
- Commercial use;
- St Leonards/Crows Nest Planned Precinct;
- Housing demand and supply;
- Housing affordability;
- Collaboration;
- Land Use Zoning;
- Site specific submissions;
- Planning Proposals;
- Place-based planning studies; and
- Heritage.

This report discusses the key points raised and how these are addressed in the finalised LHS (Attachment 1) which is presented to Council for endorsement.

Further to Council endorsement, DPIE needs to approve the adopted North Sydney LHS and will consult with the Greater Sydney Commission (GSC) prior to approval to ensure that the GSC's long term planning directions have been addressed. Once endorsed by Council, the adopted North Sydney LHS will be forwarded to DPIE for approval.

Expenditure associated with the preparation of the LHS is covered in full by the LEP Acceleration Grant Funding. The expenditure on this project has come in at below the allocated budget of \$75,000 (across two financial years).

Recommending:

1. **THAT** Council note the submissions received.
2. **THAT** Council adopt the North Sydney Local Housing Strategy, as amended.
3. **THAT** the North Sydney Local Housing Strategy be sent to the Department of Planning, Industry and Environment requesting approval, as mandated by the LEP Review Process.

7. Northern CBD Planning Study – Engagement Outcomes

Report of Marcelo Occhiuzzi, Manager Strategic Planning

North Sydney Council resolved to endorse a funding application for a maximum of \$2.5 million from the NSW Department of Planning, Industry and Environment to accelerate the delivery of certain projects on 28th May 2018. North Sydney Council accepted such funding to align the North Sydney LEP with the Greater Sydney Commission’s North District Plan on 29 October 2018. The Northern CBD Planning Study was identified as one study to be funded from the Accelerated LEP Review Grant. As part of this funding, Council committed to preparing the ‘Northern CBD Planning Study’. In seeking to meet the NSW Department of Planning, Industry and Environment deadlines Stage 1 of the project was undertaken by North Sydney Council Staff. Stage 1 of the project consists primarily of initial consultation with the community and the outcomes of Stage 1 is attached to this report.

Initial consultation was undertaken to ascertain the community’s values in the area. Community and stakeholder views were gathered through a website questionnaire, website comment and written submissions. This report provides an overview of the results of this preliminary consultation phase.

The community survey was conducted between 11 July 2019 to 8 August 2019. The methods of community participation are detailed in the report. Council received 738 website visits and 217 completed surveys and 73 ‘most valued place’ markers located on the interactive map, written submissions, including 5 outlining the potential for increased height and/or density on certain sites within the precinct.

Key concerns raised during this process include:

- High-rise / Tall Buildings;
- Over-development;
- Loss of ‘Village Feel’; and
- Loss of solar access to parks.

Key community desires raised during this process included:

- Large Community / Multi-Use Space;
 - More Open Space, More Community & Sports Facilities;
 - Unique North Sydney Street Furniture;
 - Celebrate History & Art;
 - A Greater After-Hours Offer;
 - Stronger Development Controls; and
 - A desire to limit development to between 4 to 5 storeys.
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This Study will continue to be developed with an important input being the responses received to the consultation process as outlined in this report. One of the tangible and immediate changes recommended is the change of the study name. The community expressed concern in naming the study ‘Northern CBD’, as it suggests that the future of the area is to become an extension of the CBD. This report recommends that the name of the study be amended to *Civic Precinct & Surrounds Planning Study*.

North Sydney Council resolved to endorse a funding application for a maximum of \$2.5 million from the NSW Department of Planning, Industry and Environment to accelerate the delivery of certain projects on 28th May 2018. North Sydney Council accepted Accelerated LEP Review Grant Funding from the NSW Department of Planning, Industry and Environment to align the North Sydney LEP with the Greater Sydney Commission’s North District Plan on 29th October 2018. The Northern CBD Planning Study was identified as one study to be funded from the Accelerated LEP Review Grant. The study is to be fully grant-funded.

Recommending:

1. **THAT** the findings of the Northern CBD Planning Study, Stage 1 – Stage 1 report be noted.
2. **THAT** the name of the study be changed to the ‘Civic Precinct & Surrounds Planning Study.’

8. **Military Road Corridor, Stage 1 Discussion Papers – Engagement Outcomes**

Report of Tomas van der Meer, Strategic Planner Urban Design

Council has previously endorsed the preparation of a planning study to guide this pressure to ensure that development meets the needs and expectations of our community as well as ensuring that tangible public benefits can be derived from any future development process.

Discussion Papers were prepared to better understand community values and aspirations. Earlier public engagement from mid-2018 informed the preparation of these Discussion Papers.

On 22 July 2019 Council resolved:

2. *THAT the Neutral Bay Town Centre discussion papers be placed on public exhibition for 28 days;*
3. *THAT feedback from the discussion papers inform the preparation of the recommendations of the draft Military Road Corridor Stage 1 Planning Study, and this be reported back to Council;*

The Discussion Papers were on public exhibition from Thursday 8 August 2019 until Monday 9 September 2019. Council received a total of 268 responses from the engagement process.

A total of 90% of the community supports improvements to the Military Road environment, when regional traffic starts by-passing this precinct via the potential Beaches Link Tunnel.

There was a very mixed opinion received in respect to increased height. 52% support moderate increases in height from 5 storey to 6 or 8 storey to deliver the demand for employment floor space. A few submissions voiced strong opposition against high rise. There was a general concern expressed that

significant increase in building height would be out of character with Neutral Bay's local village atmosphere/scale.

Submissions from a few larger site owners propose 8-20 storey buildings, while delivering public benefits including childcare facilities, new community centre, sport facilities, plazas, through-site links and ground floor setbacks.

It is recommended that the outcomes of this engagement process will inform the draft Future Direction Paper.

A budget of \$108K in the 2019/20 is allocated to the Military Road Corridor Planning Study. Work is planned for Stage 1 to approach external consultants for further technical input that responds to submission made and to organise a public exhibition in early 2020. All expenditure is planned to be within budget.

Recommending:

1. THAT the findings of the Military Road Corridor Planning Study, Stage 1 Discussion Papers – Engagement Outcomes report be noted.

2. THAT the preparation of a draft Future Direction Paper for the Military Road Corridor Planning Study considers the community feedback as detailed in this report.

9. **North Sydney Community Centre – 2018/19 Review of the Joint Strategic Plan**

Report of Martin Ellis, Director, Community and Library Services

The Centre ended the year with a deficit of \$11,672. This can be seen against the background of a cash subsidy from Council of \$60,170 and the NSW Government grant of \$164,175.

Two issues of financial significance have been identified:

(i) It is notable that Council's 2018/19 parking subsidy for Centre users, estimated at \$44,000 for the year, was underspent by \$22,462, supporting the Centre's view that the cost of parking is suppressing Centre usage, particularly by those combining a visit to playgroup with a visit to Stanton Library. This report recommends an increase in the discount rate to apply from 1 December 2019. Despite this, expenditure is estimated to remain well within the adopted budget.

(ii) While wage costs increased by \$80k over the previous year, a small deficit only has been incurred, indicating that the Centre's ability to build services to meet the staff costs is reasonable and is to be commended. The breakup of the cost increase is not available at the moment (whether additional hours, award requirements or staff retention strategies).

This report details the activities and financial position of the Centre at the end of the 2018/19 financial year.

The Centre's performance and financial results will be considered in the 2020/21 Community Grants and Subsidies program recommendations.

Regarding the proposed recommendation concerning parking discounts, Council's Manager Parking Stations advises that based on a proposed 50% subsidy up to 4 hours for Centre users:

The \$21,538 cost for last year (actuals) would increase to \$29,076. This means the cost increase would be covered by the current budget. However, such a decrease in parking cost will almost certainly increase patronage, so there is

potential for this cost to be higher, depending on what the increase in patronage might look like.

Response: Given the current estimate is based on historical data (meaning usage used to be heavier), given that there is no proposal to increase the number of Art Classes and given the defined size of the Playground and associated indoor spaces, it can be safely assumed that there is little potential for an unmanageable increase in costs associated with the recommended subsidy increase.

The current budget is \$44,000. This includes an allowance for Tennis Court user discounts of approximately \$5,000. The projected \$29,706 is therefore well within the balance allowed in 2019/20 of \$39,000. It is recommended that the new discounts be applied from 1 December 2019.

Recommending:

1. **THAT** the report be received.
2. **THAT** the current discount to North Sydney Community Centre users be increased to provide 50% up to 4 hours as set out in the table provided with the report, from 1 December 2019.

10. North Sydney Men’s Shed – 2018/19 Review of the Joint Strategic Plan

Report of Martin Ellis, Director, Community and Library Services

The Men’s Shed operates on a small budget which has been balanced for the year, resulting in a \$31 surplus.

The inaugural Men’s Shed Annual Report is provided with this report.

Throughout the year the Shed participated in many joint projects with Council and with local Child Care Centres, as well as directly with the community.

This year the Shed Constitution was revised, addressing the use of proxies, distribution of agendas by email and a less onerous quorum necessary for an AGM.

Council leases the Shed on a peppercorn basis to the Association and maintains the building; tools and equipment maintenance is provided by the men until the tool or piece of equipment is considered at the end of its life. In 2018/19 Council provided a contribution of \$4,291 towards tool and equipment replacement.

Recommending:

1. **THAT** the report on the North Sydney Men’s Shed – 2018/19 Review of the Joint Strategic Plan be received.

11. Financial Statements for the Year Ended 30 June 2019

Report of Garry Ross, Manager Financial Services

The audited Financial Statements for the year ended 30 June 2019 consists of the following sections:

- Section I – General Purpose Financial Statements;
- Section II – Special Purpose Financial Statements; and
- Section III – Special Schedules.

As at 30 June 2019, North Sydney Council has Net Assets totalling \$1.16 billion. This is an increase of \$25.5 million from the previously reported financial year.

The 2019 Financial Statements disclose a Net Operating Surplus of \$20.5 million. Excluding grants and contributions provided for capital purposes, the surplus was \$4.7 million. This amounts to 4% of non-capital revenues and indicates that Council's recurrent revenues and expenditures remain slightly in surplus.

The 2019 draft audited Financial Statements were presented to the Audit, Risk & Improvement Committee on 8 October 2019, together with the External Audit Engagement Closing Report.

Recommending:

1. **THAT** the attached 2019 audited Financial Statements be endorsed by Council.
2. **THAT** Council authorise the completion of the "Statement by Councillors and Management" for the General Purpose Financial Statements and the Special Purpose Financial Statements.
3. **THAT** in accordance with Section 418(1) of the Local Government Act, 1993, both the audited financial reports and the auditor's reports on the financial statements (Section 417(2) LGA), be placed on public exhibition and reported to the Council meeting on 25 November 2019.

12. **Investments and Loan Borrowings Held as at 30 September 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 30 September 2019.

Investment Portfolio:

The Investment portfolio provided an annualised return of 2.88% for the year to date as at 30 September 2019, 1.14% above the reportable BBSW Bank Bill Index.

Borrowings:

Council entered into a fixed interest loan of \$9.5 million with quarterly interest on principal payments on 3 July 2018. The principal outstanding as at 31 July 2019 is \$8.7 million and the next quarterly instalment is due on 31 October 2019.

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 30 September 2019 be received.

13. **Disclosure of Pecuniary Interests by Councillors and Designated Persons**

Report of Melissa Dunlop, Governance Co-ordinator

On 18 December 2018 the Office of Local Government advised that the new 2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW are prescribed under section 440 of the Local Government Act 1993 (LGA) and the Local Government (General) Regulation 2005.

Pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

On 29 April 2019 Council adopted the Model Code of Conduct for Local Councils in NSW. Section 4.21 of the Model Code of Conduct requires Councillors or persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months after that date (i.e. 30 September).

All returns have been duly completed and lodged within the prescribed period by all Councillors and designated officers, with the exception of two staff who submitted their returns by 10 October 2019.

The Register of Pecuniary Interests Returns is available for inspection at the Council Chambers.

Nil.

Recommending:

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

14. **Events Strategy 2019-2021 - Post Exhibition**

Report of Sandra Moore, Manager Communications and Events

At its meeting on 22 July 2019, Council resolved (Min. No. 205):

1. *THAT the draft Events Strategy 2019-2021 be placed on public exhibition for 30 days.*
2. *THAT should Council receive submissions a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the draft Events Strategy 2019-2021 as adopted at the end of the closing period for submissions.*

Two submissions were received during the exhibition period. One related to the supply of ticketing services, which is covered in Council's purchasing policies. The second related to the installation of an electronic screen at the Coal Loader to promote upcoming events. A minor amendment has been made to the action plan, under Priority 1: Improve the strategic approach to event management, to include investigating the feasibility and costs of installing and maintaining a digital screen at the Coal Loader.

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. The action does not require a budget but allows for consideration of a screen in the development of the next Delivery Program and Financial Estimates.

As previously reported, current funding for the Events Strategy 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** the Events Strategy 2019-2021 and amended Action Plan 2019-2021 be adopted.

15. External Communications Strategy 2019-2021 - Post Exhibition

Report of Sandra Moore, Manager Communications and Events

At its meeting on 22 July 2019, Council resolved (Min. No. 205):

1. *THAT the draft External Communications Strategy 2019-2021 be placed on public exhibition for 30 days.*
2. *THAT should Council receive submissions a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the draft External Communications Strategy 2019-2021 as adopted at the end of the closing period for submissions.*

Two submissions were received during the exhibition period. One related to the replacements of the existing noticeboards with digital notice boards. The second included the same suggestion as well as a suggestion that the bus shelter advertising include Council notices.

A minor amendment has been made to the action plan, under Priority 3 and activity 5.3.2.2 to expand the use of digital platforms for promotion and advertising to include investigating the feasibility and costs of installing and maintaining a digital screen in each suburb in the North Sydney local government area.

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. The action does not require a budget but allows for consideration of digital screens in the development of the next Delivery Program and Financial Estimates.

As previously reported, Current funding for the External Communications Strategy 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** the External Communications Strategy 2019-2021 and amended Action Plan 2019-2021 be adopted.

16. 2020 Schedule of Meetings

Report of Ian Curry, Manager Governance and Committee Services

The following report is submitted to Council annually to set the meeting dates for the following year.

Related financial implications include staff costs. The spread of 'ordinary hours' under the Local Government (State) Award 2010 are from 6am to 6pm. Hours worked outside this spread of hours are payable at the overtime rate. The

overtime rate of pay is time-and-a-half for the first two hours and double time after that. Employees may elect to take Time In Lieu instead.

This clause does not apply to Senior Staff (as defined in the Local Government Act 1993) nor to those employees engaged under the Award in the Executive Classifications (Band 4) where the following applies:

“Employees engaged in Executive Band 4 may be required in addition to their ordinary hours, to attend meetings of Council and standing and/or special committee meetings. For the purpose of this subclause an employee who is required to attend these meetings may be entitled to claim overtime for actual hours worked after 11pm”.

Recommending:

1. THAT Council adopt the 2020 Schedule of Meetings, as detailed in Attachment 2.

17. Draft North Sydney Council Taxi and Ride Sourcing Strategy and Action Plan

Report of Iman Mohammadi, Traffic and Transport Engineer

Council at its meeting on 29 April 2019 resolved Minute No. 98 – MM01: Additional Taxi Ranks in the North Sydney CBD:

- 1. THAT Council staff review the space available within the North Sydney CBD for taxis and ride share drop-offs and pick-ups and report back to Council on options for increasing the number of spaces if required.*
- 2. THAT Council consult with stakeholders in preparing the report.*

This report and accompanying “Taxi and Ride Sourcing Strategy and Action Plan” have been prepared in response to the Council’s resolution.

The Draft North Sydney Council Taxi and Ride Sourcing Strategy and Action Plan has been developed to review the current provision of taxi ranks within the North Sydney LGA and identify gaps between the provision and demand for taxi and ride sourcing parking facilities.

Currently there are fourteen (14) dedicated taxi zones located in the North Sydney LGA which comprise a total of 49 spaces. In order to determine the turnover rate of the existing taxi ranks within the North Sydney LGA, cameras were installed at nine busy taxi ranks for a period of 24 hours. Other less busy taxi ranks were visited for 15 minutes on a weekday by Council’s Traffic Engineer to determine the turnover rate.

This Strategy and Action Plan will assist Council to determine any new suitable locations for taxi zones and parking facilities for taxi and ride share users, whilst balancing the need for other types of parking from all other road users.

The related financial implications include the cost of investigation and implementation of the taxi and ride sourcing action plans. The estimated cost over three (3) years is \$6,000 per year for data collection and \$6,000 per year for implementation of the Action Plan (total cost \$36,000). The cost of implementing the action plans can be funded from Council’s Traffic Studies and Signs and Line Marking budgets.

Recommending:

1. THAT the Draft “North Sydney Council Draft Taxi and Ride Sourcing Strategy and Action Plan” be placed on public exhibition for 28 days.

2. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the "North Sydney Council Taxi and Ride Sourcing Strategy and Action Plan" as adopted at the end of the closing period for submissions.

18. **Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease – Outcome of Public Exhibition**

Report of Risha Joseph, Property Officer

This report is in relation to the outcome of the resolution of Council dated 26 August 2019 whereby the Roads and Maritime Services (RMS) submitted a proposal to Council outlining its intention to construct a noise wall adjacent to the Warringah Freeway extending from Brook Lane to St Thomas Rest Park which is approximately 197 meters in length.

As the proposal comprised a non-exclusive licence to secure a Vehicular Access Route and an exclusive 'construction' lease over parts of St. Thomas Rest Park, Council resolved, in part, that the proposal be exhibited for 28 days in accordance with Section 47A of the Local Government Act 1993.

This report is divided into two parts. The first part provides Council with information on the submissions that were received as part of the public exhibition process undertaken pursuant to Section 47A of the Local Government Act 1993 and the RMS responses to those submissions.

The second part of the report provides Council with information on the RMS response to Council's Resolution dated 26 August 2019 in relation to the 99-year lease over Lot 1 in Deposited Plan 774511.

The agreed lease fee is \$15,000 and is to be paid as an upfront payment to Council. All associated costs will be borne by the RMS.

Recommending:

1. **THAT** Council note the eight (8) submissions received as part of the public exhibition process, pursuant to Section 47A of the Local Government Act 1993 for the proposed RMS lease.

2. **THAT** Council note the RMS responses to each of the eight (8) submissions received as outlined in Attachment 1.

3. **THAT** Council resolve to formalise:

a. a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.

b. An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.

4. **THAT** Council proceed to enter into a 99-year lease with the RMS over the encroaching noise wall footing located within the sub-stratum lot, subject to the determination of the Registrar-General to have Council recorded as the registered proprietor, in accordance with Section 46C(1) of the Real Property Act 1900.

5. **THAT** the Traffic Management Plan for the Brook Lane to St Thomas Rest Park - Noise Wall Construction be referred to Council's Traffic Engineers for review and that the Traffic Management Plan be tabled at the next available meeting of the North Sydney Traffic Committee for information.

19. Draft Amendments to the North Sydney Council Encroachment Management Policy

Report of Risha Joseph, Property Officer

This report and the proposed amendments to North Sydney Council's current Encroachment Management Policy are in response to the Notice of Motion No. 32/18 from the Council meeting dated 29 April 2019, the details of which are outlined within the report.

The report seeks approval from Council for the public exhibition of the proposed amendments to Council's amended Encroachment Management Policy (Refer to Attachment 1).

The amendments to the Policy have been developed for the following purposes:

- To more effectively manage airbridge encroachments for vehicular access over Council's footpath and/or other public land in relation to both commercial and residential properties; and
- To determine the best and fairest approach when assessing the rental/compensation payable to Council in relation to leases, licenses and easements.

Recommending:

1. THAT the draft amended "Encroachment Management Policy" be placed on public exhibition for 28 days.

2. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the amended "Encroachment Management Policy" as adopted at the end of the closing period for submissions.

20. Improving Water Quality at Hayes Street Beach, Neutral Bay

Report of Jim Moore, Engineering Project Manager

Council resolved at the 3713th Council Meeting on 29 January 2019, Mayoral Minute MM01 that Council staff explore all potential solutions to improve water quality at Hayes Street Beach in Neutral Bay and report back to Council detailing the solutions and associated costs. Solutions that have been investigated and considered include the following:

1. Upgrading the Hayes Street Gross Pollutant Trap;
2. Moving or redirecting nearby stormwater drain outlets; and
3. More regular street cleaning.

In order to try to improve the water quality at the bottom of Hayes Street, Neutral Bay the construction of a new Gross Pollutant Trap (GPT) and the installation of habitat tiles will be undertaken in the 2019/2020 financial year.

The construction of the new GPT will include the redirection of the stormwater outlet to the Western side of Hayes Street, further away from the Hayes Street beach.

Habitat tiles, similar to the ones recently installed on the sea walls at Sawmillers Reserve and Blues Point are proposed to be installed as part of the sea wall reconstruction on the Western side of Hayes Street. The habitat tiles will increase suitable surface area for the attachment of bio-filtering organisms, that have been scientifically proven to contribute towards improving water quality and improving the overall marine ecosystem.

The construction of a new GPT and reconstruction of the Sea Wall are both currently out to tender, it is anticipated that the outcome of these tenders will be reported to Council at the November Council meeting.

Funds are currently allocated in the 2019/2020 budget allocation to undertake the GPT and Seawall works in Hayes Street, Neutral Bay which are subject to a public tender.

Recommending:

1. **THAT** Council note the information in this report.

21. North Sydney Council Stormwater Inlets Risk Management

Report of Ibrahim Malla, Acting Assets Manager

North Sydney Council received correspondence on 16 July 2019 from Local Government NSW notifying Councils of the recommendations recently made by the Acting State Coroner following the inquest into the death of 11 year old Ryan Teasdale on 16 March 2017 at Riley Park, Unanderra, South Wollongong, when he was swept into a stormwater inlet following heavy rains and flooding. Local Government NSW recommended that Councils consider whether any stormwater inlets in their local government area pose any unacceptable risks to public safety, particularly with respect to drowning.

In response to Local Government NSW recommendations North Sydney Council has undertaken investigation of its stormwater inlet network and prepared a Risk Management Plan for drainage inlets within the North Sydney LGA. In total 84 sites were inspected in detail. Of the 84 drainage inlets which were identified and inspected in detail, 33 inlets were assessed as having no risk and 51 inlets were assessed as having some degree of risk.

The breakdown for each risk category is as follows:

- High risk: 12 x Inlets
- Medium risk: 11 x Inlets
- Low risk: 28 x Inlets

This was reported to MANEX on 9 October 2019 (Item 4.7).

Currently there is no specific funding in Council’s adopted Delivery Program to address drainage inlet risks, however there is \$50,000 currently available in Council’s “Critical Inlet Program”. The Critical Inlet Program is used to rebuild existing old pits into more effective and efficient pits to reduce the risk of flooding. The Critical Inlet Program is also used to build additional pits to increase the inlet capacity of the drainage network, again to reduce the risk of flooding. The total cost to address all the drainage inlet risks that is currently known is \$418,000. The following is a breakdown of those costs:

- High risk: \$175,000 (12 x Inlets)
- Medium risk: \$110,000 (11 x Inlets)
- Low risk: \$133,000 (28 x Inlets)
- TOTAL: \$418,000

It is being requested that Council consider at the next quarterly financial review (November 2019) that additional funds of \$125,000 be brought forward from Council’s 2020/21 Stormwater budget to address the 12 x high risk inlets this financial year. The balance of the funding (\$50,000) will come from the 2019/20 Critical Inlet Program which will exhaust all funds in that program.

Note: The implications of diverting all of the Critical Inlet Program budget into addressing this issue with the current inlet pits is that there will be no funding in 2019/20 to rebuild existing old pits into more effective and efficient pits or to build additional pits to increase the inlet capacity of the drainage network, to reduce the risk of flooding.

It is also being requested that Council consider at the next quarterly financial review that to address the balance of the inlets identified as Medium and Low Risk, Council's Critical Inlet Program funding be increased in 2020/21 from \$50,000 to \$100,000 for the following five (5) Financial years to address the 39 inlets that have been identified as medium and low risk.

Recommending:

1. THAT Council commence a Capital Works Program this financial year to address high risk stormwater inlets using \$50,000 currently available from the Critical Inlet Program.

2. THAT consideration be given at the Quarterly Budget Review to the possibility of bringing forward additional funding to fast-track works on the balance of the 12 high risk stormwater inlets not addressed by (1) above.

22. Community Garden Proposal – Little Young Street, Neutral Bay

Report of Eric Sturman, Streets Alive Co-ordinator

Council is proposing the establishment of a new community garden on the southern end of Brightmore Reserve located at Little Young Street, Neutral Bay. Community engagement letters were delivered on two occasions to 120 households in the surrounding streets. A copy of the letter was exhibited on site. First stage consultation returned one negative response and 11 in favour with suggestions on design and placement of the garden. The second stage consultation letter was delivered to the same households with an attached design and site location in response to the feedback from the first letter. A copy of the second letter with attachments was posted on site. The second letter resulted in two negative responses from the same household that had already objected in the initial consultation.

This project will be funded from allocated funds within the 2019/20 adopted budget for the Streets Alive Program.

The funds for this project have been allocated in accordance with the annual budget process.

Recommending:

1. THAT the proposed Community Garden at Little Young Street, Neutral Bay be approved and establishment of the garden is undertaken.

23. Community Garden Proposal – French Street, McMahons Point

Report of Peter Massey, Environmental Services Manager

Council resolved that staff explore the possibility of requesting that a vacant block of land owned by Transport NSW be leased to Council in order to establish a community garden. Investigations have revealed that the land has soil contamination and a significant budget would need to be allocated by Council in order to remediate the site.

There is no funding available in the current financial year. Any future budget allocation would have to be considered in the Operational Plan and Budget for 2020/21. The necessary budget for the initial soil contamination assessment, remediation of the land and establishment of the community garden is estimated at \$310,000.

Recommending:

1. THAT Council not pursue a lease with Transport NSW for the French Street, McMahons Point site due to the likely high cost associated with the land remediation.

24. Ex Waverton Bowling Club Site - Post Engagement

Report of Rob Emerson, Director Open Space and Environmental Services

As previously reported to Council, when the Waverton Bowling Club went into liquidation, Council staff contacted the NSW Department of Industry - Crown Reserves strongly advocating that this parcel of land should revert on a permanent basis to North Sydney Council's care and control, as per the remainder of the parkland surrounding the Club.

Council gained a six-month lease, executed on 7 May 2019, that fundamentally allowed Council to carry out the initial due diligence on the site including a building condition assessment, a preliminary contamination review and a risk assessment of the grounds. The reports assist in informing the consideration of the future uses for the site; as well as community engagement to determine the preferred specific use of the site (within the sport and recreation reserve category), concurrent with advancing the reintegration of the site into the surrounding Crown Lands.

Council at its meeting of 24 June 2019 resolved (Min. No. 183):

- 1. THAT Council complete the proposed community engagement for the Ex Waverton Bowling Club Site.*
- 2. THAT on completion of the community engagement a report on the outcomes of the consultation are reported to Council for consideration.*
- 3. THAT an additional \$17,500 be made available from the Hayes Street Land & Beach Improvements project to undertake the preliminary contamination site investigation.*

In accordance with the above-mentioned resolution, the engagement outcomes are reported to Council, to inform the Council's decision on the proposed long-term future use of the site that will form the application to the NSW Department of Industry - Crown Reserves for tenure in perpetuity.

There are no current financial implications in advocating that the Ex Waverton Bowling Club land be reintegrated into the existing Waverton Park Reserve under Councils Care and Control for the purpose of providing parkland for public recreation. However, in the event the State Government agrees to transfer the land to Council as parkland for public recreation then a cost estimate will need to be prepared and considered in subsequent financial years for ongoing grounds maintenance, the development of a masterplan and future demolition and desired construction works for the site.

Recommending:

1. THAT Council write to the NSW Department of Industry - Crown Reserves strongly advocating the position that the Ex Waverton Bowling Club land must

be reintegrated into the existing Waverton Park Reserve under Council's Care and Control for the purpose of providing parkland for public recreation.

2. THAT Council request that the Local Member Felicity Wilson be advised of the community position and asked to advocate for the land to be returned as community parkland for the purpose of providing public recreation.

25. **North Sydney Carbon Emission Initiatives**

Report of Niki Carey, Senior Sustainability Programs Coordinator

This report responds to the resolution of Council on 22 July 2019 with respect to Notice of Motion No. 7/19 by Cr Baker regarding the Climate Emergency. It provides an overview of existing and planned initiatives that are being implemented across the organisation, guided by Council's Greenhouse Action and Water Management Plan 2015-2020. These initiatives include solar projects, equipment upgrades, renewable energy electricity supply, streetlighting upgrades, community and business engagement programs and electric vehicle charging stations.

In combination, programs are set to see Council achieve its operational and community greenhouse gas reduction targets on track by 2020. Work is currently underway to develop new targets for 2030 accompanied by a new action plan to help guide Council's response to the climate emergency. This work will be the subject of a further report.

This report identifies a broad range of initiatives across the organisation, the funding for which is allocated in the 2019/20 budget.

Recommending:

1. THAT the report be received.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NoM01: Notice of Motion No. 10/19 – Cr Brodie – 23/10/19

Re: More Basketball Hoops and Netball Goal Rings for Informal Play in North Sydney

1. THAT Council requests a brief report to evaluate installing basketball hoops on existing hard surfaces and netball rings on grass and hard surfaces in North Sydney. The report to include cost, suggested locations where hard surfaces already exist that are suitable for basketball and grass areas suitable for netball goal rings in areas that are not in close proximity to residential areas. Suggested areas to include : Anderson Park, area under the Sydney Harbour Bridge and the Coal Loader.

Background:

With an increasing number of our residents living in high density accommodation the days of having a backyard with space for a basketball hoop or netball ring and reducing.

North Sydney has more than 550 people per hectare of public open space, a population of over 72,000 with a continuing population growth and limited options for new green spaces:

- The total number of households in North Sydney Council area increased by 1,494 between 2011 and 2016
- 89.2% of the dwellings are medium or high density, compared to 33% in New South Wales
- Between 2011 and 2016, the number of households with children increased by 1,352 households or 21.4%.
- Families are prepared to live in apartments to take advantage of proximity to schools, work, transport and amenities. Of all the Local Government Areas in Australia, North Sydney ranks 9th at 11.4%, in terms of the highest concentrations of children living in apartments.

Our Council regularly updates playgrounds for our 0-10 demographic and there is a need to provide spaces and activities for +10-year olds in our community. Basketball hoops and netball rings do not take up a lot of space and would provide an activity and meeting space for teenagers and adults in our community.

Basketball is continuing to grow in popularity in Australian sport. According to Roy Morgan Research, basketball ranks as the seventh most popular activity 'participated in regularly or occasionally' by Australians. It ranks higher than cricket, netball, Australian football and both rugby codes (Jun 28, 2018).

Netball is the most popular women's sport in Australia with an estimated one million players nationwide.

Confidential Matters

26. Seawall Restoration Works – Tender No. 12/2020

Report of Ashraf Doureih, Engineering Project Manager

Tenders were called and were received until 4:00pm, 17 October 2019 for Seawall Restoration Works – Tender No. 12/2020.

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 adopted 2019/20 Delivery Program. Funding for the project is appropriate.

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 12/2020 – Seawall Restoration Works.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.

27. RMS Funding Offer – Kirribilli and Milsons Point 40km/h High Pedestrian Activity Area

Report of Michaela Kemp, Manager Traffic & Transport Operations

North Sydney Council was invited to submit applications under the RMS Safe Speeds in High Pedestrian Activity and Local Areas Program for funding in 2019/20. Council has been successful in receiving an offer from the RMS for the Kirribilli and Milsons Point 40km/h High Pedestrian Activity (HPA) Area in the 2019/20 Financial Year.

The offer is for 100% funding of this project and Council is not required to contribute funding as part of the grant offer. The offer includes funding for design, construction and project management costs for the project.

Community consultation will be undertaken, including a Councillor briefing in due course. The design will be referred to the Traffic Committee for approval prior to construction commencing. It is expected that all work will be completed by 30 June 2020.

Council has received an offer for 100% grant funding from Roads and Maritime Services for a traffic management proposal for Kirribilli and Milsons Point in 2019/20 and Council is not required to contribute funding as part of the grant offer. As the project will be subject to a public tender in the future, the details of the Grant funding amount have been provided to Councillors under a separate Confidential Memorandum attached to this report.

Funding for the project is appropriate.

Recommending:

- 1. THAT** Council accept the funding offer from RMS for the Kirribilli and Milsons Point 40km/h High Pedestrian Activity Area.

2. THAT it be noted that Community Engagement will be undertaken for this project in accordance with Council's Community Engagement Protocol.