



Council Chambers
21 November 2019

The 3726th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 25 November 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**
 - MM01: Jacaranda Season
 - MM02: Proposed Referendum Question
 - **Reports of Committees**
 - Item 1: Governance and Finance Committee – Minutes 4 November 2019
 - Item 2: Audit, Risk and Improvement Committee – Minutes 8 November 2019
 - Item 3: Sustainable Transport Reference Group – Minutes 11 November 2019
 - Item 4: Environment Reference Group – Minutes 11 November 2019
 - Item 5: Sport and Recreation Reference Group – Minutes 18 November 2019
 - **Reports to Council**
 - Item 6: Leave of Absence – Councillors Gunning and Keen

- Item 7: Matters Outstanding – November 2019
- Item 8: Local Government Remuneration Tribunal - 2020 Submission
- Item 9: New Intergovernmental Agreement
- Item 10: North Sydney Local Housing Strategy - Post Exhibition
- Item 11: Draft North Sydney Local Strategic Planning Statement – Post Exhibition
- Item 12: Planning Proposal No. 7/19 – North Sydney LEP Review 2019
- Item 13: Planning Proposal No. 8/19 – Small Bars in Kirribilli Village
- Item 14: Planning Proposal No. 5/19 – 6 Hayes Street, Neutral Bay and Draft Amendment to NSDCP 2013 - “Contributory Items” - Post Exhibition Report
- Item 15: Planning Proposal No. 6/2019 - 27-57 Falcon Street Crows Nest - Interim Assessment Report
- Item 16: Victoria Cross - Over Station Development (OSD)
- Item 17: Community Engagement Protocol - Post Exhibition
- Item 18: Financial Statements for the Year Ended 30 June 2019
- Item 19: Annual Report 2018/19
- Item 20: Quarterly Review of Operational Plan 2019/20 – 1 July to 30 September 2019
- Item 21: Quarterly Budget Review - September 2019
- Item 22: Investments and Loan Borrowings Held as at 31 October 2019
- Item 23: Don Bank Writer in Residence – Overview of 2019 Program and Selection of Writer for 2020
- Item 24: Neutral Bay Senior Citizens Club - Plans for its Future
- Item 25: Lost Bird Found Mental Health Creative Arts Project Evaluation
- Item 26: May Gibbs’ Nutcote 2018/19 Review of the Joint Strategic Plan
- Item 27: The Kirribilli Centre – Review of the Joint Strategic Plan 2018-19
- Item 28: Disability Inclusion Action Plan – Proposed Actions for 2020/21
- Item 29: North Sydney Council’s Australia Day Community Awards 2020
- Item 30: James Milson Village Annual Report 2018/19 and Amended Constitution
- Item 31: Draft Closed Circuit Television Policy
- Item 32: Code of Conduct Statistics Report
- Item 33: Draft Bushland Rehabilitation Plans 2019-2029 – Post Exhibition

- **Notices of Motion/Questions with Notice**

NoM01: Notice of Motion No. 11/19 – Crs Baker, Beregi and Carr – 13/11/19 Re: Review of the Neutral Bay Heritage Conservation Area

- **Confidential Matters**

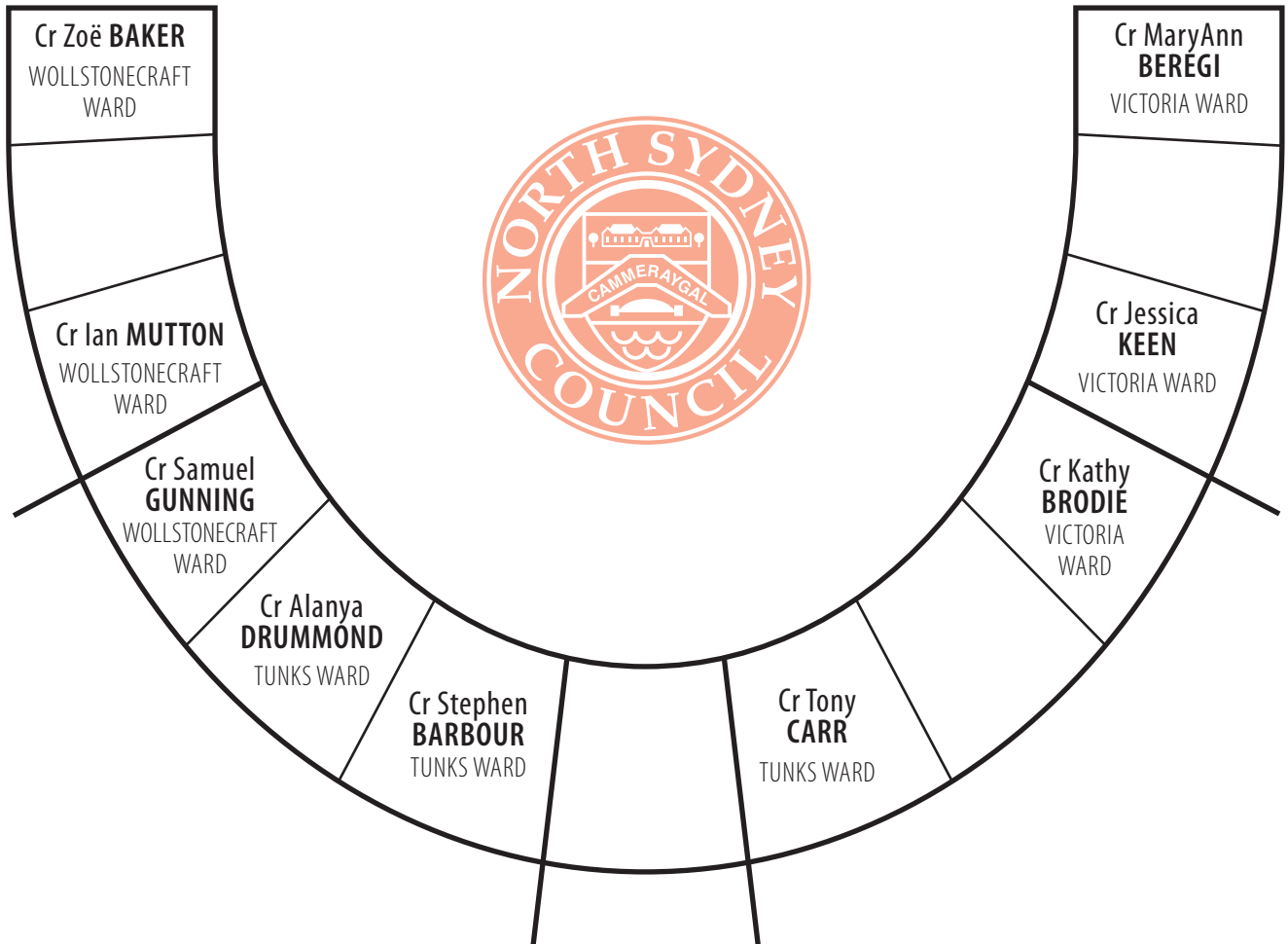
- Item 34: 1st Quarter Property Portfolio Report 2019/20 – July to September 2019
- Item 35: Sydney North Planning Panel - Membership Nomination 2019-2020
- Item 36: Supply of Two Six-metre Cubic Garbage Compactors – Tender No. 15/2020
- Item 37: Hayes Street Gross Pollutant Trap Construction - Tender No. 16/2020

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 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 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: 3726th MEETING OF COUNCIL TO BE HELD ON MONDAY, 25 NOVEMBER 2019

THAT THE MINUTES of the previous 3724th Council Meeting held on Monday, 28 October 2019 and the Minutes of the previous 3725th Extraordinary Council meeting held on Monday, 18 November 2019 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

1. MM01: RE: Jacaranda Season

Over the past few years we have seen a significant increase in the number of people going to McDougall Street, Kirribilli to see the jacarandas in bloom. I have made an effort to drive or walk through the area at least once a day so that I could gauge the impact of the visitors on our community.

Many residents have told me they enjoy the vibrancy that comes with so many visitors and they take great pleasure in people watching. However, others feel invaded as people enter their properties to put rubbish in their bins or climb on their property to get the best angle for a photo. A number of residents have also told me they are worn down by the constant honking of horns as cars try to move pedestrians off the road.

I don't know whether taking selfies with jacarandas is a temporary phenomenon or here to stay. Councils do not have to manage every aspect of people's lives - as I told one resident, this isn't Council's event, it is put on by mother nature!

On the other hand, the visitors are an imposition and there may be things we could do to make the experience enjoyable for everyone. This year Council provided wayfinding signs, variable message signs, some extra public toilets and cleaned the park toilets and bins twice daily. All this comes at a cost. If we are to provide additional services, Council needs to adopt a position and ensure that funding is included in the Operational Plan for 2020/21.

I am proposing that Council staff prepare a report outlining options for 2020. These should include traffic management, the provision of additional amenities or services, multilingual communications, and possibly even a full day festival. The report should provide cost estimates for all options so that Council can choose what, if any, support we wish to provide next year.

I therefore recommend:

- 1. THAT** Council staff prepare a report on options for managing the impact of visitors in McDougall Street;
- 2. THAT** the options include traffic management, the provision of additional amenities or services, multilingual communications and the feasibility of holding a full day festival; and
- 3. THAT** an estimate of costs for each option be provided.

2. MM02: RE: Proposed Referendum Question

As Councillors are aware, at the 2017 election the community was asked the constitutional referendum question: Do you favour election of the Mayor by Councillors for a term of two (2) years?

As per the requirements of the NSW Electoral Commission, constitutional referendum questions are asked without any background material provided to voters and no information can be provided within polling places. The referendum was passed 54.43% in favour to 47.57%.

Standing outside the polling booth, I lost count of the number of people who complained to me that without context, including arguments for and against, they did not understand why they were being asked the question or what it meant. Many people in the community were shocked to learn that as a result of a question they did not understand North Sydney had lost the position of a popularly elected mayor.

Councillors will also be aware that as a result of the ambiguous way in which the question was framed, we now have ten (10) councillors for the next term and have been required to review our ward boundaries. As we have seen in other

councils, an even number of councillors often results in the mayor's name being pulled out of a hat. I don't believe anyone would have voted for that!

There are arguments for and against having a popularly elected mayor, just as there are arguments for and against a mayor being elected by the councillors. I believe our community is well educated and well able to make a decision about how its mayor is chosen. I believe they are open and willing to engage on this topic.

I therefore propose that we put a referendum question to the 2020 election. I also propose that, this time, we undertake an extensive communications campaign to ensure voters understand the context of the question and can consider the pros and cons before polling day.

Since Council has now agreed to two (2) wards, I am proposing that we seek community support for a Council of nine (9), inclusive of a popularly elected mayor.

I therefore recommend:

- 1. THAT** Council support a constitutional referendum question being asked at the local government election on 9 September 2020.
 - 2. THAT** the question ask: Do you support reducing the number of councillors from 10 to 9, inclusive of a popularly elected Mayor.
 - 3. THAT** Council seek the advice of the NSW Electoral Commission on appropriate wording of the question.
 - 4. THAT** the General Manager advise the Council of the wording recommended by the Electoral Commission and prepare a communications plan so that the community can be fully informed of arguments for and against before election day.
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Reports of Committees

3. **Item 1: Governance and Finance Committee – Minutes 4 November 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 4 November 2019 for Council adoption. The Minutes are attached for information.

Recommending:

1. THAT Council make a submission to the Office of Local Government in respect of the Compliance and Enforcement Review as outlined in this report. (GF01)

2. THAT Council endorse a review of the Precinct System which includes the following:

a. an updated Discussion Paper;

b. consultation with active Precinct Committees;

c. an objective to include all of the LGA within an active Precinct Committee;

d. an external consultant to facilitate face-to-face consultation;

e. a Community Engagement Strategy; and

f. a question included in the next Customer Satisfaction Survey (2020) to enable benchmarking with the 1992, 2006 and 2009 survey findings. (GF02)

3. THAT the *Code of Conduct - Precinct Office Bearers and Members* be reviewed to ensure currency with Council's *Code of Conduct - Councillors and Staff* (adopted April 2019). (GF02)

4. THAT the *Precinct System Guidelines* be updated prior to the commencement of the review to reflect current arrangements. (GF02)

5. THAT on a trial basis, the boundaries of the inactive and "as needed" Precinct Committees be merged with active Precinct areas. (GF02)

6. THAT planning commence in recognition of the upcoming 50th Anniversary of the Precinct System, for budget allocation in the next Delivery Program (2021/22-2024/25). (GF02)

7. THAT Councillors note the Auditor's comment regarding the requirements under clause 4.1.13 of the Mayor and Councillor Facilities Policy (Carer's Expenses) and the new arrangements for submitting expense claims. (GF03)

8. THAT a review of the timing obligation for Carer's Expenses in the Mayor and Councillor Facilities Policy be undertaken when all policies are reviewed following the 2020 election. (GF03)

4. **Item 2: Audit, Risk and Improvement Committee – Minutes 8 November 2019**

Report of Peita Rose, Governance Officer

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

Council has allocated \$87,125 in the 2019/20 budget for external audit functions - \$13,400 has been 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 Fraud & Corruption Risk Assessment – Internal Audit Report be received and noted. (AR01)
2. **THAT** this report and the status of the 2019 internal audit plan and development of the 2020 plan be received and noted. (AR02)
3. **THAT** Council submit either an individual or a combined response on behalf of the shared service in relation to the Office of Local Government discussion paper on the new risk management and internal audit framework, before submissions close on 31 December 2019. (AR02)
4. **THAT** the survey of the internal audit function's annual performance be developed and circulated to all stakeholders with a report to be provided to the first committee of 2020. (AR02)
5. **THAT** the status of past internal audit recommendations be received and noted. (AR03)
6. **THAT** the Annual Insurance Update report be received and noted. (AR04)
7. **THAT** the fraudulent activities at North Sydney Oval be noted by the Committee. (AR05)
8. **THAT** Council's credit card processing procedures for all locations be reviewed and updated. (AR05)

5. **Item 3: Sustainable Transport Reference Group – Minutes 11 November 2019**

Report of Peita Rose, Governance Officer

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 11 November 2019. The Minutes are attached for consideration should Council wish to adopt any of the recommendations made at the meeting.

Recommending:

1. **THAT** the Minutes of the Sustainable Transport Reference Group meeting of 11 November 2019 be noted and no further action taken.

6. **Item 4: Environment Reference Group – Minutes 11 November 2019**

Report of Peita Rose, Governance Officer

This report presents the recommendations of the last meeting of the Environment Reference Group held on 11 November 2019. The Minutes are attached for consideration should Council wish to adopt any of the recommendations made at the meeting.

Recommending:

1. **THAT** the Minutes of the Environment Reference Group meeting of 11 November 2019 be noted and no further action taken.

7. **Item 5: Sport and Recreation Reference Group – Minutes
18 November 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 18 November 2019. The Minutes are attached for consideration should Council wish to adopt any of the recommendations made at the meeting.

Recommending:

1. THAT the Minutes of the Sport and Recreation Reference Group meeting of 18 November 2019 be noted and no further action taken.

Reports to Council

8. **Item 6: Leave of Absence – Councillors Gunning and Keen**

Report of Ian Curry, Manager Governance and Committee Services

Councillor Gunning is seeking leave of absence for the Council meeting to be held on 25 November 2019 due to study obligations.

Councillor Keen is seeking leave of absence for the Council meeting to be held on 25 November 2019 due to an interstate work commitment.

A leave of absence is a formal permission granted by way of Council resolution to a Councillor excusing that Councillor's attendance at a particular meeting. It is sought by way of application to the Council and is recognised in the Code of Meeting Practice.

Recommending:

1. **THAT** Councillors Gunning and Keen be granted leave of absence for the Council meeting of 25 November 2019.

9. **Item 7: Matters Outstanding – November 2019**

Report of Ken Gouldthorp, General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 28 October 2019 is presented.

Recommending:

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

10. **Item 8: Local Government Remuneration Tribunal - 2020 Submission**

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects

Pursuant to s241 of the *Local Government Act 1993* (the Act), the NSW Local Government Remuneration Tribunal is required to make an annual determination, by no later than 1 May 2020, on the fees payable to Councillors and Mayors to take effect from 1 July 2020. The Tribunal must also determine the categories of councils and mayoral offices at least once every three years, per s239 of the Act.

In accordance with the Act and as foreshadowed in the 2019 Report and Determination, the Tribunal is undertaking a review of the categories as part of the 2020 review. The 2019 Report and Determination also advised that "the Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing models and to examine alternatives". The Tribunal has since reviewed the existing model and proposes the creation of a new non-metropolitan category to be titled 'Regional Centre'. Further, the Tribunal has stated it considers that changes to the categories and criteria applicable to metropolitan and county councils is not warranted at this time. Regardless of this intent, it is recommended that Council makes a submission in line with the reasoning provided in its 2019/20 submission. Submissions close on 20 December 2019.

The Council will be advised in due course the minimum and maximum fees payable to Councillors and Mayors effective from 1 July 2020.

Recommending:

1. THAT Council makes a 2020/21 submission to the Local Government Remuneration Tribunal that it reclassified as ‘Metropolitan Medium’ in line with the reasoning provided in its 2019/20 submission.

11. Item 9: New Intergovernmental Agreement

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects
This report is for information. On 14 October 2019 the NSW Government signed with Local Government NSW, on behalf of the NSW Local Government sector, a new Intergovernmental Agreement (Attachment 1). Whilst the Agreement is not legally binding, it states:

- Local Government is underpinned by the following State strategic priorities - NSW State Infrastructure Strategy 2018-2038, Regional Plans and District Plans, and Community Strategic Plans (3.1);
- ensures that the interests of Local Government are considered in NSW Government policy, services and projects (5.1c);
- regarding cost shifting, where the NSW Government requires Local Government to provide a new/expanded function or service, the NSW Government will consider the budget cycles and financial capabilities of Local Government (6.10); and
- the NSW Government will not progress any local council mergers, which have not been requested by the relevant councils i.e. no more forced council mergers (6.11).

Recommending:

1. THAT the report on the New Intergovernmental Agreement be received.

12. Item 10: 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.

13. Item 11: Draft North Sydney Local Strategic Planning Statement – Post Exhibition

Report of Neal McCarry, Team Leader Strategic Planning

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

Strategic Planning Statement (LSPS) is one of the mandated projects detailed in that report.

The Local Strategic Planning Statement (LSPS) is designed to be a relatively simple-to-understand document that sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It will be reviewed on a regular basis.

The LSPS is required to be consistent with the Greater Sydney Commission's *North District Plan*. The intent of the LSPS is to provide a clear line-of-sight between the key strategic priorities identified at the regional and district level down to the local neighbourhood level. The LSPS was prepared having strong regard to the Council's Community Strategic Plan and existing broader policy and strategy framework adopted by North Sydney Council.

As reported to Council on 24 June 2019, the draft North Sydney Local Strategic Planning Statement (LSPS) fulfils a required milestone obligation for the LEP Acceleration Grant Funding and represents Council's response to the Greater Sydney Commissions' Metropolitan and North District Plan. At that meeting Council resolved to endorse the draft LSPS for public exhibition.

The draft LSPS was placed on public exhibition for a period of six weeks 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 LSPS. In total, 47 submissions were received (Attachment 2). The key points raised in submissions received are as follows and are expanded upon in the body of the report:

- General (purpose, tone and direction of the LSPS);
- Density and development;
- Built form outcomes;
- Commercial uses;
- Transport and traffic;
- St Leonards / Crows Nest Planned Precinct;
- 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 LSPS. This report also outlines the amendments made to the document following feedback received from the Greater Sydney Commission and various State Government Agencies.

Following Council's endorsement, the LSPS is required to be submitted to the Greater Sydney Commissions '*Assurance Panel*'. Upon receipt of a letter of support from the Commission Councils can approve the LSPS either via a council resolution or under delegation.

This report represents an identified milestone required for the LEP Acceleration Grant Funding. Expenditure associated with addressing the planning priorities is covered by existing adopted budgets or the LEP Acceleration Grant Funding.

Recommending:

1. **THAT** Council notes the report detailing the outcomes of the public exhibition.
2. **THAT** Council endorse the North Sydney Local Strategic Planning Statement, as amended (Attachment 1) for the purposes of submission to the Greater Sydney Commission's Assurance Panel.
3. **THAT** upon receiving support from the Greater Sydney Commission in relation to Recommendation 2, the General Manager be authorised to approve the Local Strategic Planning Statement.
4. **THAT** if any substantive changes in Policy arise resulting from the Greater Sydney Commission's response to Recommendation 2, that the matter be reported back to Council prior to finalisation.

14. Item 12: Planning Proposal No. 7/19 – North Sydney LEP Review 2019

Report of Ben Boyd, Executive Strategic Planner

The Environmental Planning and Assessment Act, 1979 (EP&A Act), requires all councils to periodically review their local environmental plans (LEPs) and determine if those LEPs should be amended following such a review. Councils are also required to prepare a Local Strategic Planning Statement (LSPS) which is to provide the basis for strategic planning in a council's local government area (LGA). The LSPS is to have regard to economic, social and environmental matters and identify how the desired outcomes of any regional and district level strategic plan applying to the LGA will be addressed. The LSPS is then to inform any changes to a council's local environmental plan and/or other planning policies.

In accordance with these legislative requirements, Council adopted a draft LSPS on 24 June 2019 for the purposes of public exhibition. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LSPS is being considered concurrently with this item at its meeting of 25 November 2019.

On 24 June 2019, Council also resolved to adopt a draft Local Housing Strategy (LHS) for the purposes of exhibition. The draft LHS fulfils one of the actions to the draft LSPS. A report addressing the issues raised in the submissions made in response to the public exhibition of the draft LHS is being considered concurrently with this item at its meeting of 25 November 2019.

Since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, Council staff have maintained a register of issues and anomalies with respect to the operation of the LEP. Over this period, there has been 21 key issues raised, giving rise to approximately 120 individual issues. Given the legislative need to review the LEP, it is timely to incorporate these miscellaneous housekeeping amendments to ensure that the LEP remains clear, transparent and contemporary.

In line with the recommendations of the Draft LSPS and Draft LHS as exhibited and to ensure a clear, transparent and contemporary planning instrument is maintained, the following amendments are proposed to NSLEP 2013:

- Permitting residential flat buildings within the *R3 Medium Density Residential* zone, but only where they do not adversely impact upon the desired scale and character of the zone;
- Permitting veterinary hospitals within the *B1 Neighbourhood Centre* zone;
- Rezoning two Sydney Water properties to *SP2 Infrastructure* to reflect their primary use;
- Rezone a number of properties to *SP2 Infrastructure* to reflect the extent of land gazetted for classified road purposes;
- Rezoning land owned and used by schools to *SP2 Infrastructure* to reflect their primary use and to be consistent with Council's existing policy of zoning schools;
- Rezoning a number of private properties to correct historical errors;
- Rezoning a number of road reserves for open space purposes to reflect their current usage;
- Expanding the ability to undertake functions across the entirety of the North Sydney Olympic Pool site to provide increased flexibility with its future redevelopment;
- Ensuring that when a residential flat building is constructed, it does not isolate a site used as a semi-detached dwelling;
- Identifying the following properties as new heritage items:
 - 33 Spruson Street, Neutral Bay;
 - 3 Parker Street, McMahons Point;
- Removal of heritage item listings to reflect those which have been demolished or removed;
- Revising all LEP maps to ensure that the planning controls accurately align with a state government requirement to move a new base cadastre;
- Correcting minor errors pertaining to the location of the local government area and NSLEP 2013 boundaries;
- Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments;
- Renumbering clauses to align with the directions under the Standard Instrument LEP Order;
- Correcting errors in relation to street addresses and property descriptions;
- Correcting errors in relation to the location and extent of identified heritage items;
- Undertaking consequential amendments arising from the rezoning of land to be consistent with existing council practices for applying development standards under the LEP;
- Applying height limits to privately owned land, which is not zoned for recreation, environmental conservation or road purposes consistent with Council's existing policy position for applying height limits to land; and
- Removal of properties identified for land acquisition which have now been acquired by the identified relevant acquisition authority.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and an Assessment Report prepared by Council Officers on 23 October 2019 and resolved to support the Planning Proposal proceeding to Gateway Determination. The NSLPP also suggested that Council give consideration to a number of matters prior to the Planning Proposal's progression. In response

to these matters raised by the NSLPP, it is recommended that the Planning Proposal be amended to remove the incorporation of the proposed new local clause (6.12AA) which seeks to impose additional considerations where development for the purposes of residential flat buildings within the *R3 Medium Density Residential* zone are proposed.

Council staff have also identified a number of other minor inconsequential errors or omissions within the initial Planning Proposal considered by the NSLPP that would benefit from amendment to improve readability clarity and transparency.

As the principle purpose of the Planning Proposal is to amend NSLEP 2013 to give effect to the recommendations and actions of the finalised versions of the LSPS and LHS, thereby meeting the legislative requirements under the EP&A Act, it is important that Council endorses the adoption of the finalised versions of LSPS and LHS concurrently with this Planning Proposal.

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, public exhibition and finalisation of the Planning Proposal which is the subject of this report. If Council does not resolve to progress the subject Planning Proposal now, it may complicate the receiving of future funding from the State government to complete this project and other significant strategic planning projects.

Recommending:

1. THAT Council resolves to endorse the attached Planning Proposal and associated maps and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

2. THAT prior to forwarding the Planning Proposal to the Minister for Planning for a Gateway Determination, that the Planning Proposal be amended to:

a. reflect Council's endorsed position in relation to the adoption of the final versions of the Local Strategic Planning Statement and Local Housing Strategy if required;

b. remove the proposed incorporation of a new local clause which requires the consent authority to consider additional matters relating to proposed residential flat buildings in the *R3 Medium Density Residential* zone;

c. incorporate within Section 5.2 of the Planning Proposal, the specific amendment proposed to clause 6.12 which seeks to prevent the isolation of adjoining sites;

d. correct minor grammatical and typographical errors observed by Council staff; and

e. group similar amendments and incorporate appropriate introductory text to improve clarity and readability.

3. THAT Council note that an amendment to North Sydney Development Control Plan 2013 is currently being prepared, with a view to be concurrently exhibited it with the subject Planning Proposal in 2020.

15. **Item 13: Planning Proposal No. 8/19 – Small Bars in Kirribilli Village**

Report of Lara Huckstepp, Executive Planner

In response to the Council resolution of 18 March 2018, community consultation was undertaken to gauge community expectations in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village.

Comprehensive community engagement was undertaken across the Kirribilli Peninsula between 19 July 2018 and 17 August 2018, with the response providing overwhelming support for the introduction of small bars as a permissible use within the Kirribilli Village, as well as support for later trading hours.

On 23 September 2019, Council resolved to prepare a Planning Proposal to amend the NSLEP 2013 to allow small bars on sites within Kirribilli Village that are not located adjacent to a residential interface. A Planning Proposal has been prepared to respond to this resolution. It is recommended that the intent of the Planning Proposal can be achieved by amending NSLEP 2013, in particular to make small bars permissible on the following land:

- 11-33 Burton Street, Kirribilli (inclusive);
- 32 Burton Street, Kirribilli; and
- Ennis Road Bays.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and an Assessment Report prepared by Council Officers on 23 October 2019 and resolved to support the Planning Proposal proceeding to Gateway Determination.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the Department of Planning, Industry and Environment (DPIE), seeking a Gateway Determination under s3.34 of the EP&A Act 1979.

It should also be noted that an amendment to the North Sydney DCP will be prepared for Council's consideration to address matters such as:

- Extension of trading hours in Kirribilli Village; and
- Review of amenity controls relating to the introduction of small bars within Kirribilli Village.

The intent will be to publicly exhibit the Planning Proposal and draft DCP amendment concurrently, early in 2020.

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

Recommending:

1. THAT Council resolves to endorse the attached Planning Proposal and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

16. **Item 14: Planning Proposal No. 5/19 – 6 Hayes Street, Neutral Bay and Draft Amendment to NSDCP 2013 - “Contributory Items” - Post Exhibition Report**

Report of Liam Rogers, Student Strategic Planner

On 22 July 2019, Council resolved to forward a Planning Proposal (5/19) to the Department of Planning, Industry and Environment (DPIE) to identify 6 Hayes Street, Neutral Bay as a local heritage item under *North Sydney Local Environmental Plan 2013* (NSLEP 2013). In particular, the proposed amendment seeks to identify the subject site as a local heritage item within Schedule 5 – *Environmental Heritage* and on the Heritage Map to NSLEP 2013. On 26 September 2019, the Minister for Planning issued a Gateway Determination permitting the Planning Proposal to be placed on public exhibition.

In accordance with the Gateway Determination and legislative requirements, the Planning Proposal was placed on public exhibition for a period of 28 days from Thursday 10 October 2019 to Wednesday 6 November 2019.

During the public exhibition of the Planning Proposal, the legal ownership of 6 Hayes Street, Neutral Bay, changed. The new owner was subsequently notified of the public exhibition and given an extended timeframe within which to comment.

A total of fourteen (14) submissions were received during the public exhibition period, all of which offered general or specific support of the Planning Proposal. No objections were received. No issues were raised in the submissions that would warrant an amendment to the Planning Proposal.

It is therefore recommended that Council resolve to forward the Planning Proposal, unamended, to the DPIE with a request that an amendment to the NSLEP 2013 be made giving effect to the Planning Proposal.

At its meeting on 22 July 2019 Council also considered a draft amendment to the *North Sydney Development Control Plan 2013* (NSDCP 2013) to include 8 Hayes Street, Neutral Bay as a “contributory item” to recognise its contribution to the Kurraba Point Conservation area. The draft amendment to NSDCP 2013 was placed on exhibition concurrently with the Planning Proposal, from Thursday 10 October 2019 to Wednesday 6 November 2019.

A total of fourteen (14) submissions were received during the public exhibition period, all of which offered general or specific support of the draft amendment to NSDCP 2013 with no submissions objecting to the proposal. No issues were raised in the submissions that would warrant any change to the proposed amendment.

Due to being away for an extended period, the owners of 8 Hayes Street, Neutral Bay contacted Council requesting an extension within which to provide comment. As the owners of the property are directly impacted by the proposed amendment and in the interest of fairness, an extension was granted until 27 November 2019 to allow them the 28 days that would have otherwise been provided. Whilst no submission from the owners of 8 Hayes Street has been made to date, it is recommended that a determination in relation to the draft amendment to NSDCP 2013 be deferred until the expiry of the extended submission timeframe.

The draft amendment to NSDCP 2013 will be reported to Council at the next suitable opportunity. This will allow the property owners sufficient time to consider the proposed amendment and make comment on the proposal.

It should also be noted that the Interim Heritage Order that currently applies to 6 Hayes Street, Neutral Bay will expire on 27 February 2020 (refer to Attachment 5). Although there is currently no threat to the property in the short term, the expiration of the IHO in February means that there is a greater urgency in proceeding with the Planning Proposal than Draft NSDCP 2013 amendment.

Recommending:

1. THAT Council note the submissions made during the public exhibition of the Planning Proposal and Draft Amendment to NSDCP 2013.

2. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (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.

3. THAT Council defer making a determination as to the progression of the proposed amendment to NSDCP 2013 to allow the owner of the subject site sufficient time to comment, with the matter to be reported back to Council at the next suitable opportunity.

17. Item 15: Planning Proposal No. 6/2019 - 27-57 Falcon Street Crows Nest - Interim Assessment Report

Report of Neal McCarry, Team Leader Strategic Planning

Council received a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Rezone the site from B4 – Mixed Use to R4 – High Density Residential;
- Increase the maximum building height from 10m to part 24.5m and part 14.5m;
- Apply a maximum floor space ratio control of 1.85:1;
- Remove the current non-residential floor space requirement applying to the site; and
- Retain ‘retail premises’ as a permitted land use on the site.

Due to the uncertain status of the wider precinct planning for this area, the complex site attributes and considerations as well as the extended history of this site, an interim assessment report has been prepared to seek Council’s direction on the following key issues;

- land use (i.e. level of non-residential floorspace);
 - Council’s willingness to progress a site specific Planning Proposal in light of the direction included in the State Governments draft St Leonards Crows Nest 2036 Plan;
 - Council’s moratorium on residential planning proposals; and
 - height and scale as well as principles on design, heritage, transition, overshadowing, site layout and the like.
-

This approach will allow the formulation of a better informed and clearer framework to guide the development of an indicative reference design. Upon development of this, key controls including maximum FSR and Height should be able to be determined. In order to ensure an appropriate built form outcome on the site, this could be further supported by the development of a site specific development control plan.

This report is also prompted due to the significant length of time before the next available Council meeting (24 February 2020). In the event that a re-zoning review were to be lodged, the review could potentially take place without a formally resolved Council position. As such, it is prudent that a Council resolution be sought at this time.

The Planning Proposal is not accompanied by any formal letter of offer to enter into Voluntary Planning Agreement. Should the proposal receive a level of in-principle support from Council, negotiations may commence with the proponent to determine an appropriate level of public benefit to accompany any development uplift.

Recommending:

1. **THAT** Council support, in-principle, the proposed change in zoning to R4 High Density Residential, noting the desire for some ground level active use to be provided on the north-western corner of the site.
2. **THAT** Council notes the design, character and amenity concerns outlined in the report with respect to the reference design provided with the Planning Proposal application and that these concerns and principles form the basis of development of a revised reference design that will inform the development of detailed planning controls for the site.
3. **THAT** Council support, in-principle, the development of a revised reference design that may accommodate a maximum building height in the order of 5-6 storeys provided a satisfactory outcome is able to be achieved with respect to design, heritage, transition to lower scale development to the south and east, overshadowing, site layout, provision for landscaped area and the like.
4. **THAT** upon satisfaction of concerns raised above, the proposal be referred to the Local Planning Panel for advice prior to further consideration by Council.

18. Item 16: Victoria Cross - Over Station Development (OSD)

Report of Geoff Mossemeneer, Executive Planner

The Minister for Planning granted development consent to the Concept State Significant Development Application (SSD 17_8874) for Victoria Cross Station Over Station Development (OSD) on 18 December 2018.

Sydney Metro appointed Lendlease (Victoria Cross) Pty Ltd (Lendlease) as the preferred development partner to deliver the OSD. As a result of ongoing design development between Lendlease and Sydney Metro, modifications to the approved building envelope are now required to respond to functional brief requirements and recommendations of the design excellence process.

Two applications have been submitted to the Department of Planning, Industry & Environment (DPIE) for determination. The first being the Section 4.55(2) application to modify the SSD consent (Council ref: DA 349/19/2), and the second being the development application for the over station development by Lend Lease (Council ref: DA 350/19).

The applications are on public exhibition until 28 November 2019 for comment. Council was required to provide comment by 21 November 2019. The Department of Planning has extended this period to allow Council to consider this report.

The purpose of this report is to describe the two applications/proposals, explain their relationship to each other and identify any concerns or issues that need to be addressed in the Department's determination of the applications for the OSD. The proposal will require construction zones for the next four years and Council's preference would be the use of Miller Street's southbound, kerbside lane along the frontage of the Metro site for a loading/construction zone during the Metro and Metro OSD construction period.

The transport infrastructure represented by Metro and the related employment floor space and public domain potential enhancements associated with this project, are strongly supported.

Council will be seeking a Section 7.11 contribution in accordance with the adopted Contributions Plan.

Recommending:

1. **THAT** Council make a submission to the State Significant Development Applications for the Victoria Cross Metro Over Station Development.
2. **THAT** the discussion and assessment contained in this report, be the basis of Council's submission to the Department of Planning, Industry & Environment.
3. **THAT** Council support the use of Miller Street's southbound, kerbside lane along the frontage of the Metro site for a loading/construction zone during the Metro and Metro OSD construction period.
4. **THAT** the NSW Government note the critical role of creating safe, comfortable and high amenity pedestrian spaces in association with Metro and Council's ongoing efforts to create these with the Laneways Masterplan and continued advocacy for the conversion of Miller Street to a pedestrian space.
5. **THAT** Council request the Department of Planning, Industry & Environment to impose a site-specific condition which requires legal vehicular and pedestrian access through the Metro and Metro Over Station Development sites to the MLC building.

19. Item 17: Community Engagement Protocol - Post Exhibition

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects and Gemma North, Community Engagement Coordinator

As previously reported, since 2013, Council's *Community Engagement Protocol* (the Protocol) has been in place. Council staff use this document to guide the preparation of project-specific 'community engagement strategies' for each of key project/decision, including the periodic review of the *North Sydney Community Strategic Plan*, as required under s402 of the *Local Government Act, 1993 (LG Act)*.

The Protocol has been revised to ensure that Council's framework remains consistent with industry best practice; to integrate the legislative requirement under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for Council to have in place a *Community Participation Plan (CPP)* by 1 December 2019; and to meet pending changes to the *LG Act* with respect to community engagement.

Council at its meeting of 26 August 2019 resolved (Min. No. 236) to endorse the concurrent public exhibition of the proposed amendments to the Protocol, *Community Engagement Policy* and *North Sydney Development Control Plan (NSDCP) 2013*. A total of four submissions were received during the exhibition period, which ran from 5 September to 3 October 2019.

All submissions were collated and analysed as presented in Attachment 1. The submissions referred to the Protocol only (not the Amended Policy nor the NSDCP 2013 section to be repealed). Overall, they support the Protocol and did not raise any concerns that warrant the further amendment of the Protocol, Policy or NSDCP 2013. Some submissions suggested increased length of engagements to align with Precinct Committee meeting cycles. Whilst no amendments are proposed in response to this feedback, such feedback has been considered as part of Council's continuous improvement. The planning of engagements (including timing i.e. when public exhibitions commence) is acknowledged as an area for improvement and will be addressed through staff training and education/awareness.

Some minor errors (typographical/grammatical) have been identified by Council staff and corrected; these do not alter the intent of the exhibited documents. Additionally, a reference to minimum timeframes for "Integrated Development" applications has been included, in accordance with Schedule 1 of the *EP&A Act* requirements.

To meet the 1 December 2019 deadline regarding the CPP requirements of the *EP&A Act*, it is recommended that the submissions be noted and that the Protocol (post exhibition) and Policy (post exhibition) be re-adopted; and that Section 4 to Part A of NSDCP 2013 be repealed in its entirety.

The financial implications relating each specific engagement program are determined on a project by project basis, in line with the engagement budget allocated per project.

Recommending:

1. **THAT** the submissions received be noted.
2. **THAT** the Community Engagement Protocol (Attachment 2, incorporating the Community Participation Protocol) be adopted.
3. **THAT** Council forward the Community Engagement Protocol to the Department of Planning, Infrastructure and Environment for publication on the NSW Planning Portal in accordance with s.2.24(1) of the *Environmental Planning and Assessment Act 1979*.
4. **THAT** the Community Engagement Policy (Attachment 3) be readopted.
5. **THAT** Council adopt the draft amendment to NSDCP 2013 (Attachment 4) to this report, that effectively repeals Section 4 to Part A of NSDCP 2013 in its entirety.
6. **THAT** Council notify its endorsement of the DCP amendment in accordance with the Environmental Planning and Assessment Act and Regulations.

20. Item 18: Financial Statements for the Year Ended 30 June 2019

Report of Garry Ross, Manager Financial Services

The 2019 financial statements and the auditor's reports on the financial statements were presented to Council on 28 October 2019. The Council resolved

to receive the financial statements and place them on public exhibition for comment.

During the exhibition period one submission was received as to the contents of the financial statements (Attachment 2). The submission refers to minor formatting alterations and does not impact on the reported financial results.

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 audited 2019 Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) on 8 October 2019. The unqualified financial statements were forwarded to the Office of Local Government (OLG) by the due date of 31 October 2019.

The amended Financial Statements (Attachment 1) have been forwarded to all recipients.

Recommending:

1. THAT under Section 413(1) of the Local Government Act 1993, the financial statements for the year ended 30 June 2019 be received.

21. Item 19: Annual Report 2018/19

Report of Sarah Malcolm, Corporate Planning Coordinator

Council's Annual Report for the financial year ended 30 June 2019 has been completed in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* (Part 9, Division 7), the Office of Local Government's *Integrated Planning and Reporting Guidelines (2013)* and *Annual Report Checklist*, issued 5 November 2019 (Circular 19-28). The 'Our Performance' section provides a description of Council operations, against the "projects", in the *Operational Plan 2018/19 (Year 1 of Delivery Program 2018/19-2020/21)*. This information is a collation of the quarterly performance reviews endorsed by Council.

In accordance with the *Government Information (Public Access) Act (GIPA) Act 2009* copies of the Annual Report will be made publicly available. Copies of the Annual Report will be available for viewing at Council's Customer Service Centre and Stanton Library. Copies are provided to the North Sydney Heritage Centre and NSW State Library. A PDF version will be available on Council's website. As required, the Annual Report will be provided to the Minister for Local Government by 30 November 2019.

The Annual Report contains the Audited Financial Statements, which were initially submitted to Council at its meeting of 28 October 2019. The version contained within Attachment 1 is the same as per Item 18 reported to this meeting.

Recommending:

1. THAT the Annual Report for the financial year ended 30 June 2019 be received.

22. Item 20: Quarterly Review of Operational Plan 2019/20 – 1 July to 30 September 2019

Report of Sarah Malcolm Corporate Planning Coordinator

North Sydney Council's Delivery Program 2018/19-2020/21 was adopted on 25 June 2018. The Operational Plan 2019/20, i.e. Year 2 of the Delivery Program was adopted on 24 June 2019 following public exhibition and commenced 1 July 2019. The Delivery Program/Operational Plan includes projects and services.

It is a statutory IPR requirement to present performance reports against the Delivery Program to the Council on a biannual basis. Council reports progress against the Operational Plan on a quarterly basis, by project status only by way of traffic lights/percentage complete; with the Q2 and Q4 reports including corporate performance measurement in line with the biannual Delivery Program reporting requirements.

The Delivery Program contains 367 projects for implementation over the three-year period. 310 projects are due to commence or continue in Year 2. Of the 310 projects scheduled to commence or continue this quarter, 94% of projects are on track (green status) or completed (blue status) and 6% projects are behind schedule/delayed (red and amber status). This report details the projects behind schedule, including remedial action, as well as projects carried over from 2018/19.

Financial performance information is detailed within the Quarterly Budget Review Statement (QBRs) presented separately to Council.

Recommending:

- 1. THAT** the Quarterly Review of Operational Plan 2019/20 for the period 1 July to 30 September 2019 be received.
- 2. THAT** Council notes the remedial action for those projects that were not on track for the period ending 30 September 2019 and required Year 1 projects carried over to Year 2 of the Delivery Program/Operational Plan 2019/20.

23. Item 21: Quarterly Budget Review - September 2019

Report of Darren Goode, Manager Accounting Services

This report should be read in conjunction with Item 20 Operational Plan Performance Review. The purpose of this report is to inform Council of the results of the review of the budget for the quarter ended 30 September 2019 and to seek approval to make the necessary adjustments to the 2019/20 budget to reflect the current projected estimates of income and expenditure for the year.

The operating surplus for the year is now forecast to be \$2.6 million. The adjustments to the budget outlined in this report (mainly funds carried forward from 2018/19 to complete a number of non-recurrent projects) have necessitated a \$14.6 million drawdown from reserves to ensure that the budget remains balanced.

The net effect of the adjustments to the 2019/20 revised budget outlined in this report was the budget remaining in a balanced position at the end of the September quarter with net transfers from reserves of \$14.6 million.

Recommending:

1. **THAT** the Quarterly Budget Review Statement - September 2019 report be received.
2. **THAT** the revised 2019/20 budget be adopted.

24. Item 22: Investments and Loan Borrowings Held as at 31 October 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 October 2019.

Investment Portfolio:

The Investment portfolio provided an annualised return of 2.79% for the year to date as at 31 October 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 and principal payments on 31 July 2018. The principal outstanding as at 31 October 2019 is \$8,510,235.19.

The 2019/20 budgeted returns on investments is estimated to be \$1,529,055.00. 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 October 2019 be received.

25. Item 23: Don Bank Writer in Residence – Overview of 2019 Program and Selection of Writer for 2020

Report of Amanda Hudson, Community Development Librarian

In 2019 The History Council of New South Wales was awarded the Don Bank Residency. The Council delivered three events at Stanton Library which attracted good publicity and attendance. Two of these workshops *Researching Family History* and *Motherhood and Mothering* were presented by the former President of the History Council, A/Prof Tanya Evans. In June we were also fortunate to have the current President of the History Council Dr Stephen Gapps who gave a talk at Stanton Library for the Gai-maraigal Festival. His talk entitled, *The Sydney Wars 1788- 1817 – Conflict on the North Shore* was well attended it attracted 70 people. In addition to our local community the talk brought in university colleagues, students and members of the History Council introducing some of them for the first time to Stanton library.

The Don Bank Residency clearly benefited the work of The History Council. Their achievements included:

- 70 unique History Week events which included exhibitions, talks and tours;
- 9 general professional development events;

- 5 Speaker Connect talks;
- 227 members; and
- \$1,500 in awards and prizes.

Expressions of interest for the 2020 Writer in Residence at the Don Bank Studio have been processed and recommendations are made. Five applicants from around the State were received. Expectations are that 2020 will deliver as rich a program of events as our community enjoyed in 2019.

Recommending:

1. THAT Council supports the selection of Applicant 5 for the Don Bank Program from 2 March to 2 December 2020.

26. Item 24: Neutral Bay Senior Citizens Club - Plans for its Future

Report of Camelia Tobia, Access and Inclusion Co-ordinator

There are two community facilities in the North Sydney's north-east: Cremorne Community Centre (a child health centre staffed by NSW Health); and Neutral Bay Community Centre, which has four rooms: two rooms housing two small services and two rooms for hire.

This report provides an overview of the current status of one of the small services: Neutral Bay Senior Citizens Club, which is at a serious cross road, with declining numbers in their Management Committee. It is located on the Ground Floor (Military Road level). This report provides a history of the service, describes the contributions made by volunteers since it was established in 2000 and makes recommendations to develop the service into the future.

Council supports five community based aged focused services. Its principle service for the aged is the much larger Crows Nest Centre (CNC), managed by paid staff qualified in aged care and in receipt of significant State Government funding. Council too makes a major contribution to CNC, in kind and in funds. A third local aged service made possible by Council is the Men's Shed in Wollstonecraft, which since its inception has had a small operating budget. Like Neutral Bay Seniors, the Men's Shed is managed by a volunteer Board, supported and advised by Council's Community Development Department.

In this respect Neutral Bay Seniors is structurally identical to the Men's Shed, excepting for an operating budget, of which it has none.

The fourth and fifth services for the aged supported by Council are James Milson Village and the Waverton Hub.

It is recommended that Council consider support for Neutral Bay Seniors in the 2020/2021 Subsidies and Grants program, placing them on the same footing as the North Sydney Men's Shed.

Recommending:

1. THAT Council's Access and Inclusion Co-ordinator works with the Centre to develop a greater capacity to serve the needs of the active aged community east of the Freeway.

2. THAT Council consider support for Neutral Bay Seniors in the 2020/2021 Subsidies and Grants program.

3. THAT internal painting be scheduled for the Centre in 2020/21 and new furniture be purchased for the Seniors Room.

27. **Item 25: Lost Bird Found Mental Health Creative Arts Project Evaluation**

Report of Camelia Tobia, Access and Inclusion Co-ordinator

The Lost Bird Found Project is a Council-led initiative to raise awareness and breakdown negative stigma attached to mental health. Throughout the months of August and September individuals and groups were invited to participate in bird making workshops, creating birds hidden in the community for people to find and keep. Attached to each bird is a card with details of the project and where to access information and support on mental health services. This year there were 26 groups involved in the project, with over 2,500 birds made.

The cost to deliver the project in 2019 was \$2,459. Council applied for and was successful in receiving grant funding of \$500 (included in the above expenditure) from the Mental Health Association to deliver this project.

Recommending:

1. **THAT** the Lost Bird Found Mental Health Creative Arts Project report be received.

28. **Item 26: May Gibbs' Nutcote 2018/19 Review of the Joint Strategic Plan**

Report of Martin Ellis, Director, Community and Library Services

The May Gibb's Nutcote Annual Report 2018/19 is presented here in fulfillment of the Joint Strategic Plan 2017-19. The Museum has one full time staff member, guided by a Volunteer Board and supported by some casual hours and many volunteers from all over Sydney. The Museum is open to the public Wednesdays to Sundays; the café is open when the availability of volunteers allows.

Attendance for the year at the Museum was 9,192, an increase of 55% over the previous year. For the first time in many years Nutcote made a small operating profit of \$21,342, gained largely from increased donations, retail sales and admission fees, possibly driven by public interest in visiting Nutcote arising from the 100-year Anniversary of the publication of Snugglepoot and Cuddlepie, in the view of the Treasurer.

The successes of 2018/19 can be attributed to the volunteers, including Board members Jo-Anne Avellano Treasurer, Johanna Bagot Acting Treasurer, Stephanie Lake, Fiona Reilly, Claire Morecombe and incoming Chair Hulya Yilmaz. New directors MacLaren North and Susan Kennedy were warmly welcomed at the 2019 AGM. Stephanie Lake is also Curator.

Council's grant to Nutcote in 2018/9 was \$39,000, made up of a contribution to operational matters (\$30,000) and the balance a 50% contribution to insurance costs. The Museum's performance and financial results will be considered in the 2019/20 Grants and subsidies program recommendations. In kind contribution to grounds and building maintenance bring Council's contribution to around \$60,000 annually.

Recommending:

1. **THAT** the May Gibbs' Nutcote 2018/19 Review of the Joint Strategic Plan report be received.

29. **Item 27: The Kirribilli Centre – Review of the Joint Strategic Plan 2018-19**

Report of Martin Ellis, Director, Community and Library Services

The Kirribilli Centre's (TKC's) Annual Report 2018-19 is presented here in fulfilment of the objectives of the Joint Strategic Plan 2017-19.

Financial management continues to be the Centre's main challenge due to winding down of the Commonwealth-funded Carers' program, although this has been extended for a third time, until 31 May 2020. The Commonwealth Grant in the year under review was \$260,614. Since the service began in 2008 the Centre has attracted 876 carers, with 233 carers currently active. Under the circumstances the Centre has been offering education and capacity building for the carers rather than purely respite activities.

A secondary challenge is the foreshadowed departure of TKC's tenant in the Centre in the Park (Forsyth Park) and the loss of income that may deliver.

In the year under review the whole-of-Centre expenditure decreased by \$143,000 without perceptible drop services, an outstanding achievement.

Highlights include:

- The Centre is governed by an experienced Board with Co-Chairs Janet Gilbert and Jenny Rollo providing sound guidance to the Manager Carl Piraino.
- The famous twice monthly Kirribilli markets provided the community with 215 stalls on each occasion. This is the Centre's principle source of funding.
- Children's use of the Centre is significant with playgroups, Wednesday story-time and the inaugural Kids Festival.
- The Centre continues to host groups, clubs, and provides adult education classes, as well as an events program. Yoga and Pilates are particularly strong, with 2,764 occasions of service and seven classes throughout the week. Wellbeing for Seniors (strength and balance classes) and the Mum and Bubs program, for mothers "doing it tough" sponsored by Norths, are two highly successful programs of note.
- Room Hire income this year increased \$28,000.
- The Centre's strategic partnership with NSW TAFE wound up this year due to insurance issues that could not be resolved. A strategic relationship with local cafes however has replaced the service for visitors to the Centre from a culinary if not a student capacity building point of view.

Council's cash contribution to the Centre in 2018/19 was \$56,655. The Centre building at 16-18 Fitzroy Street, Kirribilli, the Centre in the Park (Forsyth Park) and the Markets site at Bradfield Park Central are all provided to TKC at no cost.

Recommending:

1. THAT the Kirribilli Centre – Review of the Joint Strategic Plan 2018-19 report be received.

30. Item 28: Disability Inclusion Action Plan – Proposed Actions for 2020/21

Report of Camelia Tobia, Access and Inclusion Co-ordinator

At its meeting on 26 August 2019 Council resolved (Min. No. 233):

1. *THAT the Disability Inclusion Action Plan (DIAP) Annual Report 2018/19 be received.*
2. *THAT Council consider a similar amount per annum for a renewed DIAP in 2020/21-2022/23.*

From the current plan the following projects have selected from among those that have not yet started or are incomplete:

- Disability Awareness e-learning module;
- Celebration of International Day of People with Disability;
- Upgraded wayfinding, park furniture and signage in Council's Parks and Reserves;
- Web accessibility – SiteImprovement software;
- Captioning of resources and training videos; and
- Contribution to Stanton Library's accessible entrance.

In 2020/21 too, the development of a new DIAP 2022/23- 2024/25 is recommended to capture latest trends.

Council funded the DIAP at \$150,000 per annum in 2017/18-2019/20. The allocation has been expended each year.

Recommending:

1. **THAT** Council note the Disability Inclusion Action Plan priorities for 2020/21 outlined within this report.
2. **THAT** a new Disability Inclusion Action Plan be developed for the period commencing in the 2021/22 financial year.

31. Item 29: North Sydney Council's Australia Day Community Awards 2020

Report of Jess Gledhill, Arts & Cultural Programs Officer, North Sydney Council

North Sydney Council's Australia Day Community Awards will be held in conjunction with the Citizenship Ceremony on Sunday 26 January 2020. The awards will be presented by the Mayor, Jilly Gibson and the Australia Day Ambassador (to be announced). The community awards form part of the Australia Day Council awards program administered by local government.

As Wenona School generously provides the venue (Independent Theatre) for the Australia Day Awards at no cost, the expenditure is confined to refreshments and entertainment at approximately \$2,000, plus staff costs for the day.

Recommending:

1. **THAT** Council supports the selection of four Australia Day Community Award Winners - Citizen of the Year, Environmental Citizen of the Year, Young Citizen of the Year and Community Group/Event of the Year.
2. **THAT** the Eligibility Criteria "*Previous award recipients cannot be nominated*" be amended to say, "*Previous award recipients within the last ten years cannot be nominated*".

32. Item 30: James Milson Village Annual Report 2018/19 and Amended Constitution

Report of Martin Ellis, Director, Community and Library Services
North Sydney Retirement Trust (NSRT, trading as James Milson Village, JMV) has provided Council with its service and financial outcomes for 2018/19. While a deficit has been incurred, standards of care and catering have been maintained. Significant improvements include having a Clinical Manager on site 7 days per week, increased hours for registered nurses and increased in-home support for Retirement Living Apartment occupants. These are very satisfactory outcomes in the climate of the Royal Commission into Aged Care.

No nominees from the Parish to the Board have been made since July/August 2019. In addition, two community nominees have chosen to step down. This latter deficit has been reversed by the addition of Lois Towart and Philip Rankin to the Board, providing valuation knowledge specialising in aged care facilities (Ms Towart) and accountancy skills from a Chief Financial Officer (Mr Rankin).

In order to restore a full complement of Board Members, NSRT has provided Council with an amended Constitution removing the Parish right to nominate and increasing the number of community nominations allowable, while retaining the Parish as a member. Current Directors on the Board nominated by Council fully support the Board's position and the amended constitution.

The Parish is a non-pecuniary stakeholder, the others (NSRT and Council), having a financial interest.

Council's lease to the Trust is for a peppercorn; the value of the lease has been estimated at \$700,000 p.a.

The Trust ended the year with a deficit of \$608,000. Despite this the Trust maintained its subsidies for those in financial need: as recorded in the 2018/19 Annual Report \$1.8 million in revenue was forgone: waiving/reduction in fees and additional support (\$1.2 million) and support for retirement living occupants (\$600,000).

The Directors are non-executive (and unpaid). There is no cost to Council arising from their role, nor would there be for the additional Board position proposed.

Recommending

1. THAT the James Milson Village Annual Report and Financial Statements for the year ended 30 June 2019 be received.

2. THAT Council approve the North Sydney Retirement Trust Constitution with the changes documented in the copy provided with this report.

33. Item 31: Draft Closed Circuit Television Policy

Report of Michael Macfarlane, Manager Information Technology
North Sydney Council has installed a number of Closed Circuit Television (CCTV) devices across various Council facilities, including the Council Chambers. In order to manage the operation of these cameras in accordance with legislation and Australian Standards, the need for an overarching policy and guidelines (supporting work instructions) was identified.

The attached draft CCTV Policy is consistent with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places* (2014) and incorporates Council's existing procedures to manage requests for access to CCTV footage.

Nil.

Recommending:

1. **THAT** the draft Closed Circuit Television Policy be placed on public exhibition for 28 days.
2. **THAT** the current Standard Operating Procedures be included as an attachment to the Policy to provide context.
3. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the CCTV Policy as adopted at the end of the closing period for submissions.

34. Item 32: Code of Conduct Statistics Report

Report of Ian Curry, Manager Governance and Committee Services

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government by 30 November 2019, for the period 1 September 2018 to 31 August 2019.

The number of Code of Conduct complaints received is Nil, the same as for the period 1 September 2017 to 31 August 2018.

Costs incurred through the administration of the Code of Conduct in the previous reporting period was Nil this period.

Recommending:

1. **THAT** the Code of Conduct Statistics Report be received.

35. Item 33: Draft Bushland Rehabilitation Plans 2019-2029 – Post Exhibition

Report of Gareth Debney, Bushland Management Coordinator

The draft Bushland Rehabilitation Plans (BRPs) 2019-2029 have been developed to replace the original Bushland and Fauna Rehabilitation Plans that were adopted by Council between 1999 and 2003. The plans provide a strategic direction for the ongoing conservation and ecological recovery of North Sydney's bushland assets.

The BRPs are a key output of North Sydney's overarching Bushland Plan of Management 2015, serving as operationally focused, reserve-specific action plans that address the threats to bushland conservation as well as guiding species recovery and ecosystem sustainability at the local level.

The draft BRPs were placed on public exhibition for a period of forty-five days. Leading up to the exhibition, the North Sydney community were informed via numerous avenues that the draft Plans were available for review and submissions would be welcomed up until the closing date. Furthermore, three community meetings/Q&A sessions were offered.

A total of nine submissions were received from individual residents, stakeholder groups and Precinct Committees during the exhibition period. Within these nine submissions, nineteen issues were raised, and these have been individually addressed in the attached summary of Public Submissions. Based on this feedback, ten amendments have been made to the BRPs.

Nil.

Recommending:

1. THAT Council formally adopts the draft Bushland Rehabilitation Plans 2019-2029.

**MOTIONS OF WHICH DUE NOTICE
HAS BEEN GIVEN**

36. NoM01: Notice of Motion No. 11/19 – Crs Baker, Beregi and Carr – 13/11/19

Re: Review of the Neutral Bay Heritage Conservation Area

- 1. THAT** Council undertake a review of the boundaries of the Neutral Bay Heritage Conservation Area under North Sydney LEP 2013 as detailed on map HER_004_010_20130607.
- 2. THAT** the review consider expansion of the Heritage Conservation Area to the west towards Ben Boyd Road and Premier Streets to include (but not limited to) Anderson Street, Raymond Road, Aubin Street and Undercliff Street.
- 3. THAT** the review consider whether there are contributory items within any recommended expanded conservation area.
- 4. THAT** Council allocate funds from the recently reported surplus to undertake the review.

Director City Strategy Comment

With respect to Clause 3.11 of the North Sydney Council Code of Meeting Practice it is considered that the subject Notice of Motion has financial implications that require consideration. The ability to commence such a review is also a relevant consideration. The clause states:

If the General Manager [read as GM or Delegate] considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

Financial consideration: An indicative cost for the heritage review is between \$30-\$50,000 depending on the scope of the brief. This is for Consultant costs only and does not include staff cost/time to manage the project or facilitate the extensive community consultation and engagement associated with such a project.

Workload considerations: The NOM represents an additional undertaking to be added to the delivery plan and staff work program. The current workload for City Strategy is heavily geared towards developing and implementing a range of place making policies and delivering on the LEP Acceleration Fund requirements by 30 June 2020. As such, there are currently insufficient staff resources to initiate this task in addition to the currently adopted delivery program.

If Council were to support the recommendation the work could potentially commence on completion of the Accelerated LEP review program, i.e. in the mid-late 2020/21 financial year. This would be subject to funding being provided in the 2020/21 budget. Alternative sources of funding should also be sought through the Office of Environment and Heritage grants program. The next round of funding is not expected to be called for until 2020/2021. If Council wishes to undertake the review proposed it is recommended that it apply for funding from the OEH.




Please note that Conservation Area CA16 is correctly known as the Kurraba Point Conservation Area. Heritage Map – sheet HER_004 is attached.



**North Sydney Local
Environmental
Plan 2013**

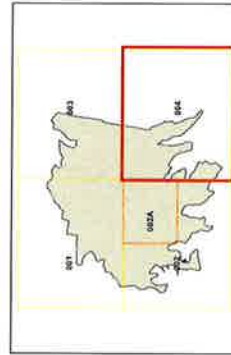
**Heritage Map
- Sheet HER_004**

Heritage

-  Conservation Area - General
-  Item - General
-  Item - Landscape

Cadastral

-  Cadastre 07/06/13 © North Sydney Council



Scale: 1:10000 @ A3

Projection: GDA 1984
MGA Zone 56

Map identification number
5956_COM_HER_004_010_20130627



Confidential Matters

37. **Item 34: 1st Quarter Property Portfolio Report 2019/20 – July to September 2019**

Report of Risha Joseph, Property Officer

Council at its meeting of 26 August 2019, Minute No. 244, resolved in part:

“THAT Council note all future Property Portfolio reporting including leasing transactions will be undertaken quarterly whereby a report will be brought to Council outlining the overall Property Portfolio performance in detail and the report will align with Council’s quarterly reporting”

The purpose of this report is to provide Council with information relating to the performance of Council’s 1st Quarter Property Portfolio for 2019/2020, ending 30 September 2019. In summary this report provides detail information on the following key business activities of the Property Portfolio:

- Financial position of the Property Portfolio;
- Vacancy Position of the Property Portfolio;
- Leasing Transactions for the quarter;
- Acquisitions and Disposals for the quarter; and
- Major Property Projects for the quarter.

Council’s actual Year-to-Date income received through the Property Portfolio is slightly below the projected forecast for this quarter. For a detailed breakdown of the income and the reasons for the shortfall received through the Property Portfolio, refer to the Confidential report.

Recommending:

1. THAT the Quarterly Property Portfolio Report for the 1st Quarter of 2019/20 (July to September 2019) be received.

38. **Item 35: Sydney North Planning Panel - Membership Nomination 2019-2020**

Report of Stephen Beattie, Manager Development Services

On 30 July 2018, Council considered a report on the nomination of members to the Sydney North Planning Panel (SNPP) for the 2018-2019 period. Council resolved (Min No. 251):

- 1. THAT Council retain its current nominees being former Councillors Michel Reymond and Veronique Marchandau, and alternate Councillor Stephen Barbour, to represent Council on the Sydney North Planning Panel for the next 12 months.*
- 2. THAT the Panel membership be reviewed in 12 months’ time.*
- 3. THAT community representatives be paid \$750 per Panel meeting and that the appropriate arrangements be made to increase Development Application fees accordingly as such applications are required to be considered by the Sydney North Planning Panel.*

The former Councillors and Councillor Barbour accepted the nomination and have served on the Sydney North Planning Panel since that date.

It is more than 12 months since the appointments were made and it is necessary to reconsider appropriate appointments which should serve Council until at least the Local Government elections in September 2020 if not beyond to early 2021. On 26 August 2019, Council considered a report on the nomination of members to the Sydney North Planning Panel (SNPP) for the 2018-2019 period. Council resolved (Min No. 231):

1. THAT Council advertise for Expressions of Interest for community representatives for the Sydney North Planning Panel as soon as possible and in the interim the current community representatives continue to serve on the Panel.

Expressions of interest were sought for a period of 28 days to 25 October 2019, by notifying existing SNPP Members; members of the North Sydney Local Planning Panel (NSLPP) that are residents; and all Precincts. Notices were also on Council's website and in the local paper. Ten nominations were received. The remuneration of non-Councillor representatives was set at \$750 per panel meeting. This reflects half of that paid to sitting members of the North Sydney Local Planning Panel which generally deals with a greater number of matters at its meetings.

In order for Councillors to discuss the content of this in Confidence report containing information regarding personnel matters concerning particular individuals (other than Councillors) it will be necessary to close the Council meeting to the public.

The \$750 fee proposed for community representatives on the Panel is equivalent to a cost of approximately \$13,500 per year. This fee is funded via the fee which is paid at the time of lodgement of an application. There is currently no provision in legislation that enables this amount to be recouped through the Development Application fee.

Recommending:

- 1. THAT** Council nominate two plus one alternate community representatives to represent North Sydney Council on the Sydney North Planning Panel up to 31 March 2021.
- 2. THAT** the Panel membership be reviewed following the Local Government elections in September 2020.
- 3. THAT** community representatives continue to be paid \$750 per Panel meeting.

39. Item 36: Supply of Two Six-metre Cubic Garbage Compactors – Tender No. 15/2020

Report of Rob Barter, Fleet Manager

Tenders were called and were received until 4pm on 6 November 2019 via Tenderlink for the submission of tenders to undertake the Supply of Two Six-metre Cubic Garbage Compactors.

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.

This purchase will be funded from the Plant Reserve, as part of the plant replacement schedule for 2019/2020 financial year.

Funding for the project is appropriate.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 15/2020 for Supply of Two Six-metre Cubic Garbage Compactors.
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*.

40. Item 37: Hayes Street Gross Pollutant Trap Construction - Tender No. 16/2020

Report of Jim Moore, Engineering Project Manager

Tenders were called and were received until 4pm on 31 October 2019 for the submission of tenders to undertake Hayes Street Gross Pollutant Trap (GPT) Construction 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. 16/2020 for Hayes Street Gross Pollutant Trap Construction.
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*.