



## MINUTES

The Minutes of the **3734<sup>th</sup> MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on Monday 27 July 2020.



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## 1. Opening Meeting

The Mayor, Councillor Gibson, in the Chair, and Councillors Baker, Barbour, Beregi, Brodie, Drummond, Keen and Mutton were in attendance.

At the commencement of business (6:34pm) those present were:

The Mayor, and Councillors Barbour, Brodie, Drummond, Keen and Mutton.

Those participating remotely were:

Councillors Baker and Beregi.

The meeting was opened by the Mayor.

## 2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Barbour.

## 3. Apologies and Applications for Leave of Absence by Councillors

Councillor Carr has indicated his inability to attend the Council meeting on 27 July 2020 due to health reasons.

A Motion was moved by Councillor Beregi and seconded by Councillor Baker

**THAT** leave of absence be granted to Councillor Carr for the meeting of 27 July 2020.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

### 65. RESOLVED:

**THAT** leave of absence be granted to Councillor Carr for the meeting of 27 July 2020.

## 4. Confirmation of Minutes

The Minutes of the previous 3733<sup>rd</sup> Council Meeting held on Monday, 22 June 2020, copies of which had been previously circulated, were taken as read and confirmed.

A Motion was moved by Councillor Barbour and seconded by Councillor Drummond,

**THAT** the Minutes of the previous 3733<sup>rd</sup> Council Meeting held on Monday, 22 June 2020, copies of which had been previously circulated, were taken as read and confirmed.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

#### **66. RESOLVED:**

**THAT** the Minutes of the previous 3733<sup>rd</sup> Council Meeting held on Monday, 22 June 2020, copies of which had been previously circulated, were taken as read and confirmed.

### **5. Disclosures of Interest**

Re: Item 8.6

2020/21 Community Grants & Subsidies

Councillor Keen

Volunteer at some organisations (Non-Pecuniary/Less than Significant)

### **Items to be Considered by Exception**

It was moved by Councillor Barbour and seconded by Councillor Brodie that the Recommendations for Items 7.1, 8.6, 8.8, 8.14, 8.17, 8.19 and 8.22 be adopted.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

#### **67. RESOLVED:**

**THAT** the Recommendations for Items 7.1, 8.6, 8.8, 8.14, 8.17, 8.19 and 8.22 be adopted.

## 6. Mayoral Minutes

### 6.1. Local Infrastructure is Best Delivered by Local Government

Council has been advised that the St Leonards/Crows Nest 2036 Plan will be finalised shortly by the State Government. An important component of this is the collection of State Infrastructure Contributions (SIC) from new residential development arising from this Plan. We have been advised that the SIC will be collected and held by the State Government.

The intention of the NSW Government to collect and retain SCI is unacceptable and inequitable. While I understand that development puts pressure on State infrastructure such as schools, it also puts pressure on equally important services provided by councils such as open space and community facilities. The previous allocation of SIC funds identified that Willoughby Council would benefit from allocation of 64% of all SIC funds even though it accommodated very little of the new development identified.

It is only reasonable that our residents benefit from SIC - after all, North Sydney will bear the brunt of most of the development in the precinct. Our residents are the ones who will have to put up with construction noise, traffic and general disruption, sometimes for months on end.

Local councils are best placed to know what benefits their area and how infrastructure contributions are best spent. The ability to deliver small, simple projects needs to remain with local councils.

Open space is a particular priority in our area. We already have significantly less open space per person than any other NSROC council and the development currently being approved by the NSW Government in our area will reduce that even further.

In addition to the funding of Council's Hume Street Park upgrade, it is my vision, and has been for quite some time, for Council to pursue "pocket parks" and small community gardens. To achieve this, we will need to be able to purchase small residential sites for use as a park or community garden. We need these spaces dotted throughout our LGA (especially in the St Leonards/Crows Nest area) to complement the larger parks and give our apartment dwelling residents somewhere to sit in the sun and fresh air, surrounded by plants. I see these "pocket parks" operating as shared back yards for residents in apartment blocks and detached housing.

A Council Strategy already exists that supports my vision - the Open Space Provision Strategy. It can be accessed by clicking on the following link:

[https://www.northsydney.nsw.gov.au/files/assets/public/docs/1\\_council\\_meetings/policies\\_plans/plans\\_of\\_management/osps.pdf](https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/policies_plans/plans_of_management/osps.pdf)

This Strategy was developed in 2009 after I lobbied for a mechanism to increase open space in North Sydney. The Strategy has remained largely unfunded and using State Infrastructure Contributions to fund purchases would be appropriate.

#### **I therefore recommend:**

**1. THAT** Council writes to the Member for North Shore, Ms Felicity Wilson, asking for a meeting to discuss how State Infrastructure Contributions would be best held and administered by local councils.

**2. THAT** the Mayor requests a meeting with the mayors representing the councils that neighbour the St Leonards/Crows Nest boundaries, to seek their support for State Infrastructure Contributions to be held and administered by local councils.

**3. THAT** Council seek NSROC support for State Infrastructure Contributions to be held and administered by local councils.

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

#### **68. RESOLVED:**

**1. THAT** Council writes to the Member for North Shore, Ms Felicity Wilson, asking for a meeting to discuss how State Infrastructure Contributions would be best held and administered by local councils.

**2. THAT** the Mayor requests a meeting with the mayors representing the councils that neighbour the St Leonards/Crows Nest boundaries, to seek their support for State Infrastructure Contributions to be held and administered by local councils.

**3. THAT** Council seek NSROC support for State Infrastructure Contributions to be held and administered by local councils.

## **7. Reports of Committees**

### **7.1. Traffic Committee - Minutes 12 June 2020**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Traffic Committee held on 12 June 2020 for Council adoption. The minutes are attached for information.

Nil.

#### **RECOMMENDATION:**

**1. THAT** the information concerning pedestrian safety on Spofforth Street be received. *(Item 4.2)*

**2. THAT** Council proceed with community consultation for Spofforth Street/Holt Avenue intersection once the concept plans are updated to reflect all the feedback from Council's Traffic Engineer, Mosman Council, Sydney Buses and North Sydney Traffic Committee for the following options:

- a) Roundabout.
  - b) Kerb extensions.
  - c) Refuge islands. *(Item 4.2)*
- 3. THAT** Council proceed with community consultation for Spofforth Street/Rangers Road intersection once the concept plans are updated to reflect all the feedback from Council's Traffic Engineer, Mosman Council, Sydney Buses and North Sydney Traffic Committee for the following options:
- a) Roundabout.
  - b) Traffic and pedestrian signals.
  - c) Re-alignment with optional Pedestrian Actuated Crossing. *(Item 4.2)*
- 4. THAT** North Sydney Council immediately correspond with Mosman Council and Transport NSW (Sydney Buses) urging them to fast track removal/relocation of bus stop on the eastern side of Spofforth Street with aim of increasing parking and all relevant consultation and usage data be provided when available. The Traffic Committee requests this matter be considered by the Mosman Council Traffic Committee, and that the North Sydney Mayor be notified of when the matter will be considered. *(Item 4.2)*
- 5. THAT** a short report on the usage patterns of bus stop on western side of Spofforth Street (alighting and embarking) be provided to the Traffic Committee. *(Item 4.2)*
- 6. THAT** the Mayor attend the Mosman Traffic Committee meeting and subsequent Council meeting to address this matter. *(Item 4.2)*
- 7. THAT** it be noted that the aim of this process in to increase the amount of parking. *(Item 4.2)*
- 8. THAT** the Committee acknowledges the input from Mr Short and Mr Bikram Singh regarding this matter and thanks them for their input. *(Item 5.3)*
- 9. THAT** the Committee accepts and acknowledges the two reports from Harrison Precinct and Mr Short's input regarding this matter.
- 10. THAT** the Committee receives and acknowledge the petition with 113 signatures and thanks all residents who have had input on this matter. *(Item 7.1)*
- 11. THAT** discussions commence immediately with Council staff, NSW Police and the two local residents with a view to finding a permanent solution to the issues at this location. *(Item 7.1)*
- 12. THAT** Council Traffic staff investigate restrictions to prohibit parking in evenings in consultation with the Police, and if approved under delegated authority, signage be installed by 12 July 2020. *(Item 7.1)*
- 13. THAT** Council develop concept plans for immediate consultation with the local community regarding traffic calming at this location, and the associated actions in the LATM Action Plan at this location be given priority. *(Item 7.1)*
- 14. THAT** the Minutes of this meeting be forwarded to Felicity O'Brien and Paul Singh. *(Item 7.1)*
- 15. THAT** the information regarding Delegated Authority items be received. *(Item 4.1)*
- 16. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. *(Item 5.1)*
- 17. THAT** the information concerning Standing Item – Pedestrian Safety be received. *(Item 5.4)*

**69. RESOLVED:**

- 1. THAT** the information concerning pedestrian safety on Spofforth Street be received. *(Item 4.2)*
- 2. THAT** Council proceed with community consultation for Spofforth Street/Holt Avenue intersection once the concept plans are updated to reflect all the feedback from Council's



Traffic Engineer, Mosman Council, Sydney Buses and North Sydney Traffic Committee for the following options:

- a) Roundabout.
- b) Kerb extensions.
- c) Refuge islands. *(Item 4.2)*

**3. THAT** Council proceed with community consultation for Spofforth Street/Rangers Road intersection once the concept plans are updated to reflect all the feedback from Council's Traffic Engineer, Mosman Council, Sydney Buses and North Sydney Traffic Committee for the following options:

- a) Roundabout.
- b) Traffic and pedestrian signals.
- c) Re-alignment with optional Pedestrian Actuated Crossing. *(Item 4.2)*

**4. THAT** North Sydney Council immediately correspond with Mosman Council and Transport NSW (Sydney Buses) urging them to fast track removal/relocation of bus stop on the eastern side of Spofforth Street with aim of increasing parking and all relevant consultation and usage data be provided when available. The Traffic Committee requests this matter be considered by the Mosman Council Traffic Committee, and that the North Sydney Mayor be notified of when the matter will be considered. *(Item 4.2)*

**5. THAT** a short report on the usage patterns of bus stop on western side of Spofforth Street (alighting and embarking) be provided to the Traffic Committee. *(Item 4.2)*

**6. THAT** the Mayor attend the Mosman Traffic Committee meeting and subsequent Council meeting to address this matter. *(Item 4.2)*

**7. THAT** it be noted that the aim of this process is to increase the amount of parking. *(Item 4.2)*

**8. THAT** the Committee acknowledges the input from Mr Short and Mr Bikram Singh regarding this matter and thanks them for their input. *(Item 5.3)*

**9. THAT** the Committee accepts and acknowledges the two reports from Harrison Precinct and Mr Short's input regarding this matter.

**10. THAT** the Committee receives and acknowledge the petition with 113 signatures and thanks all residents who have had input on this matter. *(Item 7.1)*

**11. THAT** discussions commence immediately with Council staff, NSW Police and the two local residents with a view to finding a permanent solution to the issues at this location. *(Item 7.1)*

**12. THAT** Council Traffic staff investigate restrictions to prohibit parking in evenings in consultation with the Police, and if approved under delegated authority, signage be installed by 12 July 2020. *(Item 7.1)*

**13. THAT** Council develop concept plans for immediate consultation with the local community regarding traffic calming at this location, and the associated actions in the LATM Action Plan at this location be given priority. *(Item 7.1)*

**14. THAT** the Minutes of this meeting be forwarded to Felicity O'Brien and Paul Singh. *(Item 7.1)*

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

**16. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. *(Item 5.1)*

**17. THAT** the information concerning Standing Item – Pedestrian Safety be received. *(Item 5.4)*

## 7.2. Audit Risk and Improvement Committee - Minutes 26 June 2020

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Audit, Risk and Improvement Committee held on 26 June 2020 for Council adoption. The minutes are attached for information.

Nil.

### **RECOMMENDATION:**

1. **THAT** this report and the status of the 2020 Internal Audit Plan be received and noted. (*Item AR01*)
2. **THAT** the surveys on both the Internal Audit Function and the ARIC Effectiveness be re-distributed and results collated and presented at the next meeting. (*Item AR01*)
3. **THAT** the status of past internal audit recommendations be received and noted. (*Item AR02*)
4. **THAT** the six project management recommendations made in 2016 be noted as being cancelled. (*Item AR02*)
5. **THAT** the Interim Management Letter be received. (*Item AR03*)
6. **THAT** the Committee note the progress in implementing the recommendations of the Project Management Review. (*Item AR04*)
7. **THAT** the Committee note the progress in implementing the recommendations arising from the Payroll, Attendance and Leave Management Review. (*Item AR05*)
8. **THAT** a report to be submitted to the next ARIC meeting detailing:
  - a. All Council “owned” property that is leased or available to lease.
  - b. With respect to each property:
    - The date and quantum of the last valuation.
    - As regards each property that is presently leased:
      - The date and term of the lease; and
      - The quantum of the rent payable.
    - As regards each property that is not presently leased:
      - The date it became vacant. (*General Business*)

The Recommendation was moved by Councillor Brodie and seconded by Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

### **70. RESOLVED:**

1. **THAT** this report and the status of the 2020 Internal Audit Plan be received and noted. (*Item AR01*)

2. **THAT** the surveys on both the Internal Audit Function and the ARIC Effectiveness be re-distributed and results collated and presented at the next meeting. (*Item AR01*)
3. **THAT** the status of past internal audit recommendations be received and noted. (*Item AR02*)
4. **THAT** the six project management recommendations made in 2016 be noted as being cancelled. (*Item AR02*)
5. **THAT** the Interim Management Letter be received. (*Item AR03*)
6. **THAT** the Committee note the progress in implementing the recommendations of the Project Management Review. (*Item AR04*)
7. **THAT** the Committee note the progress in implementing the recommendations arising from the Payroll, Attendance and Leave Management Review. (*Item AR05*)
8. **THAT** a report to be submitted to the next ARIC meeting detailing:
  - a. All Council “owned” property that is leased or available to lease.
  - b. With respect to each property:
    - The date and quantum of the last valuation.
    - As regards each property that is presently leased:
      - The date and term of the lease; and
      - The quantum of the rent payable.
    - As regards each property that is not presently leased:
      - The date it became vacant. (*General Business*)

## 8. Reports to Council

### 8.1. Matters Outstanding - July 2020

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

To report to Council on the status of Councillor resolutions.

Each month, a report is presented to Council on the status of those resolutions arising from Mayoral Minutes and Notices of Motion.

The attached table has been updated to include resolutions from the 22 June 2020 Ordinary Meeting of Council.

Nil.

**RECOMMENDATION:**

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

The Recommendation was moved by Councillor Barbour and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

## **71. RESOLVED:**

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

## **8.2. Amended Resourcing Strategy - Post Exhibition**

**AUTHOR:** Jenny Gleeson, Manager Integrated Planning & Special Projects and Darren Goode, Manager Accounting Services

The purpose of this report is to recommend adoption of the *Amended Resourcing Strategy* (Attachment 1) following its public exhibition.

In accordance with statutory requirements, in preparing the draft *2020/21 Operational Plan & Budget*, the Long Term Financial Plan (LTFP) component of Council's *Resourcing Strategy 2018-2028* was updated. Inclusive of two additional scenarios (referred to as 3B and 3C) modelled to ascertain the financial impact of the COVID-19 pandemic lasting for a shorter and a longer period than that assumed under Scenario 3 (now referred to as 3A).

Public exhibition of the Amended Resourcing Strategy ran from 24 June to 21 July 2020; concurrent with the exhibition of the 2020/21 Operational Plan & Budget and the *2020/21 Draft Fees & Charges Schedule*. No submissions regarding the Amended Resourcing Strategy. The updated Sensitivity Analysis in the LTFP (as publicly exhibited) provides various financial scenarios to guide Council through the COVID-19 pandemic.

### **RECOMMENDATION:**

**1. THAT** the final amended *Amended Resourcing Strategy* (Attachment 1) be adopted; and this supersedes all previous Resourcing Strategies.

The Recommendation was moved by Councillor Mutton and seconded by Councillor Keen.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

## **72. RESOLVED:**

**1. THAT** the final amended *Amended Resourcing Strategy* (Attachment 1) be adopted; and this supersedes all previous Resourcing Strategies.

## **8.3. Operational Plan and Budget 2020/21 - Post Exhibition**

**AUTHOR:** Sarah Malcolm, Corporate Planning Coordinator and Darren Goode, Manager Accounting Services

The purpose of this report is to recommend adoption of the *2020/21 Operational Plan & Budget* (Attachment 1) following its mandatory public exhibition. Council is required to adopt its

Operational Plan & Budget, for the coming financial year, by 31 July (deadline extended due to COVID-19 pandemic).

The draft *2020/21 Operational Plan & Budget* was endorsed for exhibition by Council at its meeting of 21 June 2020. The public exhibition period ran from 24 June to 21 July 2020, concurrent with the exhibition of the draft *2020/21 Fees & Charges Schedule* and the Amended Resourcing Strategy. No submissions were received regarding the draft *2020/21 Operational Plan & Budget*.

Printing of hard copies of the plan and associated promotion can be met from existing administrative budgets. The proposed amendments to the budget have arisen from the NSW Government's decision to temporarily defer the payment of some developer contributions in response to the COVID-19 pandemic, as detailed in section 2.1 of this report.

**RECOMMENDATION:**

**1. THAT** having considered the submissions received, Council adopt the 2020/21 Operational Plan & Budget, as attached to this report.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

**73. RESOLVED:**

**1. THAT** having considered the submissions received, Council adopt the 2020/21 Operational Plan & Budget, as attached to this report.

## **8.4. 2020/21 Rating Structure**

**AUTHOR:** Garry Ross, Manager Financial Services

The main financial resource of council is rates revenue, which needs to be assessed each financial year in accordance with the Local Government Act 1993. In making the rates for the 2020/21 financial year, Council has given public notice of its draft Operational Plan for the year including the Revenue Policy which incorporates the proposed rating structure.

The 2020/21 Rating Structure has been calculated based on the IPART determination and applies to a special variation increase in the general income of 7.0% and includes a 7.0% increase in the minimum rates for both residential and business rateable properties.

The 2020/21 rate peg for NSW councils has been set at 2.6%. This increase is included in the SRV determination and is not in addition to the 7.0% variation. The minimum ordinary rate for 2020/21 has been set at \$602.

Council rates are the primary source of operating income and the rating structure is consistent with the IPART approval for a Special Rate Variation (SRV) and Council's Revenue Policy.

**RECOMMENDATION:**

1. **THAT** Council make the following rates for the financial year 1 July 2020 to 30 June 2021:

Category	Ad Valorum	Minimum/Base Amount
Residential Rate	0 .083323 cents in the dollar	\$602.00 minimum
Business Rate	0.428271 cents in the dollar	\$602.00 minimum
Infrastructure Levy	0.003866 cents in the dollar	\$25.66 base amount
Environmental Levy	0.004338 cents in the dollar	\$28.80 base amount
Crows Nest Mainstreet Levy	0.021611 cents in the dollar	\$112.17 base amount
Neutral Bay Mainstreet Levy	0.031941 cents in the dollar	\$132.74 base amount

The Recommendation was moved by Councillor Barbour and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

**74. RESOLVED:**

1. **THAT** Council make the following rates for the financial year 1 July 2020 to 30 June 2021:

Category	Ad Valorum	Minimum/Base Amount
Residential Rate	0 .083323 cents in the dollar	\$602.00 minimum
Business Rate	0.428271 cents in the dollar	\$602.00 minimum
Infrastructure Levy	0.003866 cents in the dollar	\$25.66 base amount
Environmental Levy	0.004338 cents in the dollar	\$28.80 base amount
Crows Nest Mainstreet Levy	0.021611 cents in the dollar	\$112.17 base amount
Neutral Bay Mainstreet Levy	0.031941 cents in the dollar	\$132.74 base amount

**8.5. 2020/21 Fees & Charges Schedule - Post Exhibition**

**AUTHOR:** Garry Ross, Manager Financial Services

The purpose of this report is to adopt the *2020/21 Fees & Charges Schedule* (Attachment 1) following its 28-day public exhibition.

The draft *2020/21 Fees and Charges Schedule* was endorsed for exhibition by Council at its meeting of 21 June 2020. The public exhibition period ran from 24 June to 21 July 2020, concurrent with the exhibition of the draft *2020/21 Operational Plan & Budget*.

Where permissible, the majority of Council's existing fees and charges have been increased by an estimated CPI amount of 2.0% over the 2019/20 adopted schedule and comparable market rates. All existing fees and charges have been assessed according to the nature of the services being provided. One existing fee will be discontinued, concerning Resident Parking Permanent Permit - Interstate vehicle (6, 9 and 12 months) because only a 3-month permit is available for

vehicles registered interstate in accordance with the *Road Act 1993*. New fees were proposed under the following areas as detailed in the report:

- Ward Street Car Park;
- Reinstatements;
- Standard Development Applications;
- Development Applications - Amended Plans; and
- Fire Safety Compliance.

Two submissions were received during the exhibition period, summarised in Attachment 2. The financial impacts from the *2020/21 Fees & Charges Schedule* have been incorporated into the financial estimates within the *2020/21 Operational Plan & Budget*.

**RECOMMENDATION:**

- 1. THAT** the 2020/21 Fees & Charges Schedule be adopted, inclusive of the revised fees for the Ward Street Car Park - now \$715.00 (\$485.00 fee + \$230.00 Levy) and \$770 (\$540.00 fee + \$230.00 Levy) per month per space for unreserved and reserved parking spaces respectively, to reflect incorporation of the NSW State Government Parking Space Levy; and
- 2. THAT** levy income be held by Council in a holding account, for the purpose of paying the NSW State Government Parking Space Levy at the time of the annual return and payment process.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

**75. RESOLVED:**

- 1. THAT** the 2020/21 Fees & Charges Schedule be adopted, inclusive of the revised fees for the Ward Street Car Park - now \$715.00 (\$485.00 fee + \$230.00 Levy) and \$770 (\$540.00 fee + \$230.00 Levy) per month per space for unreserved and reserved parking spaces respectively, to reflect incorporation of the NSW State Government Parking Space Levy; and
- 2. THAT** levy income be held by Council in a holding account, for the purpose of paying the NSW State Government Parking Space Levy at the time of the annual return and payment process.

## **8.6. 2020/21 Community Grants & Subsidies**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Rebecca Aukim, Acting Director Community and Library Services

The purpose of this report is to adopt the *2020/21 Community Grants & Subsidies* recipients following public exhibition. Attachment 1 lists the 2020/21 grant and subsidies recipients; there were no changes to the report to Council of 22 June 2020 (Item 9.14).

Earlier this year Council invited community organisations to apply for a donation from the Council to assist in the provision of services for the North Sydney community. Applications closed early March 2020. All applications received were assessed in accordance with the following criteria outlined in Council's *Community Grants and Subsidies Policy*:

- the type of need being met;
- the uniqueness of the project;
- its level of innovation and the degree to which it meets the objectives of Council's social planning programs;
- the financial status of the organisation or service provider;
- the quality of its management and organisational structure;
- its funding levels and sources; and
- its ability to account for funding sources, fund applications and outcomes.

The purpose of the exhibition period was to advise the proposed recipients of Council's grants and subsidies for 2020/21 and invite submissions. The 28-day public exhibition ran from 24 June to 21 July 2020, concurrent with the exhibition of the draft *2020/21 Operational Plan & Budget* and the draft *2020/21 Draft Fees & Charges Schedule*. No submissions were received.

As previously reported to Council, cash grants to community services total \$833,840 (a net increase of \$23,892 from 2019/20). These amounts have already been incorporated into the draft estimates for 2020/21. The main elements are:

- Council's Community Centres - \$579,100
- Community Services not in Council Buildings - \$193,340
- Childcare - \$23,400
- New and innovative projects - \$24,000
- Food Grants - \$11,000
- Sport and Wellbeing - \$3,000

The financial circumstances for the services discussed in the report necessarily pre-date COVID-19 as they are based on audited figures for the 2018/19 financial year for Community Centres, and the Jan-Dec 2019 year for childcare. Each of these services has been impacted by COVID-19 and this will flow through to their 2020/21 financial results.

**RECOMMENDATION:**

**1. THAT** 2020/21 Community Grants & Subsidies recipients be adopted.

**76. RESOLVED:**

**1. THAT** 2020/21 Community Grants & Subsidies recipients be adopted.

## **8.7. Investments and Loan Borrowings Held as at 30 June 2020**

**AUTHOR:** 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 June 2020.

**Investment Portfolio:**

The Investment portfolio provided an annualised return of 2.19% for the year to date as at 30 June 2020, 1.34% above the reportable BBSW Bank Bill Index. The strong performance continues to be driven by the handful of the longer-dated deposits that were locked-in prior to the RBA's rate cuts, as well as the Floating-Rate Notes (FRNs) locked in at attractive margins.



Official interest rates have fallen to record lows thus Council is likely to see a rapid decline in interest income over future financial years for future investments allocations. Returns between 0.75%-1¼% p.a. may potentially be the “norm” over the next few financial years.

Council’s investment advisors have identified that Council’s risk is not the potential loss of capital (given all the banks are well capitalised and regulated by APRA) but the loss of interest income due to the reduction in the funds available to invest and that interest rates are at an all-time low.

**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 30 June 2020 is \$8,099,526.94.

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.

**RECOMMENDATION:**

**1. THAT** the report on Investments and Loan Borrowings held as at 30 June 2020 be received.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 1

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** Councillor Beregi

**Absent:** Councillor Carr and Councillor Gunning

**77. RESOLVED:**

**1. THAT** the report on Investments and Loan Borrowings held as at 30 June 2020 be received.

**8.8. Access to Information Policy - Post Exhibition**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Carly Frew, Team Leader - Administrative Services and Jenny Gleeson, Manager Integrated Planning & Special Projects

The purpose of this report is to adopt the final *Access to Information Policy* (Attachment 1) following its 28-day public exhibition period.

Earlier this year the Information and Privacy Commission (IPC) released *Guideline 3: For local government - personal information* in development applications (January 2020). This guideline was released to assist councils in applying the public interest considerations for and against publishing personal information contained in documents associated with DAs on council websites.

The guidelines are clear in that councils are obliged to make DA submissions publicly available. In response and due to the move to mandatory tracking and accessing of information in relation to DAs through the NSW Planning Portal, a review of Council’s document

management practices was undertaken. The objectives were to include the principles encouraged by the Privacy Commissioner, minimise the number of GIPA applications received (noting that planning issues represent a significant portion of GIPA requests) and increase transparency in the DA assessment process and all public exhibitions by Council.

Whilst the initial scope was limited to the processing of DAs, the scope was expanded to include all Council projects that have been subject to formal community engagement. In order to provide further clarity around the release of information, particularly submissions, Council's *Access to Council Information Policy* (former title) was amended and publicly exhibited for 28 days.

Seven submissions were received, as detailed in Attachment 2. Minor amendments are proposed to the Policy in response to the submissions.

Nil.

**RECOMMENDATION:**

1. **THAT** the submissions received be noted.
2. **THAT** the Access to Information Policy be adopted.

**78. RESOLVED:**

1. **THAT** the submissions received be noted.
2. **THAT** the Access to Information Policy be adopted.

## **8.9. 2020 LGNSW Annual Conference - Councillor Attendance and Call for Motions**

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

To consider attendance by Councillors at the 2020 Local Government NSW Annual Conference and outline the process for submitting Motions for consideration at the Conference. In order for Councillors to attend the Conference, it is proposed that the date of the November Council meeting be changed.

The 2020 Local Government NSW Annual Conference will be held in the Hunter Valley from Sunday 22 November to Tuesday 24 November 2020.

Cessnock City Council will co-host the conference and assist with various aspects of the conference, such as showcasing their unique and distinctive experiences at social functions and partners' tours.

Costs will include delegate registration and travel costs. An amount of \$15,500.00 has been allocated in the 2020/21 budget for Mayor and Councillor attendance at conferences, seminars and training.

**RECOMMENDATION:**

1. **THAT** Council nominates up to four voting delegates to attend the 2020 LGNSW Conference in Cessnock, in addition to the Mayor (voting delegate).
2. **THAT** the Precinct Committees and local business community be invited to submit suggested issues for Council's consideration.
3. **THAT** a further report be submitted to Council in August 2020 regarding any proposed Motions for the LGNSW Conference.
4. **THAT** the 2020 meeting schedule be amended to hold the November Council meeting on Monday 30 November in order to allow Councillors to attend the 2020 LGNSW Conference.

A Motion was moved by Councillor Barbour and seconded by Councillor Drummond,

1. **THAT** Council nominate Councillors Brodie and Keen as voting delegates to attend the 2020 LGNSW Conference in Cessnock, in addition to the Mayor (voting delegate).
2. **THAT** the Precinct Committees and local business community be invited to submit suggested issues for Council's consideration.
3. **THAT** a further report be submitted to Council in August 2020 regarding any proposed Motions for the LGNSW Conference.
4. **THAT** the 2020 meeting schedule be amended to hold the November Council meeting on Monday 30 November in order to allow Councillors to attend the 2020 LGNSW Conference.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 1

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** Councillor Beregi

**Absent:** Councillor Carr and Councillor Gunning

**79. RESOLVED:**

1. **THAT** Council nominate Councillors Brodie and Keen as voting delegates to attend the 2020 LGNSW Conference in Cessnock, in addition to the Mayor (voting delegate).
2. **THAT** the Precinct Committees and local business community be invited to submit suggested issues for Council's consideration.
3. **THAT** a further report be submitted to Council in August 2020 regarding any proposed Motions for the LGNSW Conference.
4. **THAT** the 2020 meeting schedule be amended to hold the November Council meeting on Monday 30 November in order to allow Councillors to attend the 2020 LGNSW Conference.

**8.10. Jacaranda Season - McDougall Street, Kirribilli - Response to Mayoral Minute**

**AUTHOR:** Michaela Kemp, Manager Traffic & Transport Operations

This report has been prepared in response to the resolutions of Council of 25 November 2019 (MM01, Minute No. 325) and 6 April 2020 (Item 13, Minute No. 69) with regard to traffic and pedestrian management in McDougall Street, Kirribilli during the annual jacaranda blooming season.

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

At the Council meeting on 25 November 2019 (MM01, Minute 325) Council resolved:

1. *THAT Council staff prepare a report on options for managing the impact of visitors in McDougall Street, Kirribilli;*
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.*

The report was considered at the Council meeting of 23 March 2020, held on 6 April 2020 where it was resolved (Item 13, Minute No. 69):

1. *THAT this matter be deferred until July 2020, given the current COVID-19 Pandemic restrictions on public gatherings.*

This report has been prepared in response to the resolutions of Council to outline measures that Council has implemented in previous seasons, the feasibility of additional measures in the future and taking into consideration COVID-19 implications.

The estimated cost to implement the recommended options for the management of Jacaranda season in McDougall Street, Kirribilli is \$5,600.00, as detailed in the following table:

<b>Measure</b>	<b>2019/20 Approx. Cost (incl. staff costs) over 6 weeks</b>
Council-owned Variable Message Sign (x2)	\$500
Temporary directional footpath	\$1,000
Hire of 3 x Porta loos	\$3,000
Extra cleaning of Porta loos and Milson Park toilets	\$1,100
<b>Total</b>	<b>\$5,600</b>

The relatively low cost of the recommended actions can be met from existing budgets, however if Council determines to implement a more extensive solution such as staffed traffic control, a commensurate specific budget allocation will be required.

**RECOMMENDATION:**

1. **THAT** Council, taking into consideration the financial and COVID-19 implications, proceed with the following measures for the 2020 Jacaranda season:

- Multi-lingual communications (Option 2 in Table 2 of this report);
- Installation of three (3) port-a-loos in Milson Park for two weeks (Option 4a in Table 2 of this report); and
- Installation of six (6) additional temporary garbage bins for rubbish and recyclables in Milson Park for two weeks (Option 4b in Table 2 of this report).

2. **THAT** Council continue to monitor conditions in McDougall Street during Jacaranda season and a report be brought back to the June 2021 Council meeting with regard to recommended measures for the 2021 Jacaranda season.

The Recommendation was moved by Councillor Keen and seconded by Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

## **80. RESOLVED:**

**1. THAT** Council, taking into consideration the financial and COVID-19 implications, proceed with the following measures for the 2020 Jacaranda season:

- Multi-lingual communications (Option 2 in Table 2 of this report);
- Installation of three (3) port-a-loos in Milson Park for two weeks (Option 4a in Table 2 of this report); and
- Installation of six (6) additional temporary garbage bins for rubbish and recyclables in Milson Park for two weeks (Option 4b in Table 2 of this report).

**2. THAT** Council continue to monitor conditions in McDougall Street during Jacaranda season and a report be brought back to the June 2021 Council meeting with regard to recommended measures for the 2021 Jacaranda season.

## **8.11. Response to Mayoral Minute - Prioritising Pedestrians**

**AUTHOR:** Michaela Kemp, Manager Traffic & Transport Operations

The purpose of this report is to respond to the Council resolution of 24 February 2020 (Item MM04, Min. No. 8).

At the Council meeting on 24 February 2020 it was resolved (Item MM04, Min. No. 8):

- 1. THAT staff prepare a report on options for improving our focus on pedestrian needs and that the report considers how to ensure that all voices are equally heard when balancing the needs of motorists, cyclists, pedestrians and public transport.*

This report outlines the Council's current Strategies and Action Plans relating to walking and pedestrians and planned future Strategies and Action Plans to identify missing links in Council's pedestrian networks.

The report also outlines how Council undertakes community engagement with regard to the development and implementation of the Strategies and Action Plans.

This report recommends that funding for the Walking Strategy (\$60,000) and the PAMPs be allocated from the LATM Implementation Program budget for 2020/21.

### **RECOMMENDATION:**

**1. THAT** Council allocates \$60,000 to the development of a North Sydney Walking Strategy and concurrently also develops Pedestrian and Mobility Plans (PAMPs) for each of the 7 identified LATM Zones.

**2. THAT** the funding allocation comes from the LATM Implementation Program budget for 2020/21.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

## **81. RESOLVED:**

- 1. THAT** Council allocates \$60,000 to the development of a North Sydney Walking Strategy and concurrently also develops Pedestrian and Mobility Plans (PAMPs) for each of the 7 identified LATM Zones.
- 2. THAT** the funding allocation comes from the LATM Implementation Program budget for 2020/21.

## **8.12. Temporary Walking and Cycle Network Improvements**

**AUTHOR:** Lindsay Menday, Sustainable Transport Project Co-ordinator

The purpose of this report is to brief Council on the options for temporary or ‘pop-up’ improvements to the public domain and North Sydney Council’s walking and cycle network. Temporary public spaces, footpath widening and bike lanes have recently been installed in cities around the world in response to COVID-19 to ensure that walking and cycling remain available as transport options that facilitate social distancing and to help reduce overcrowding on road and public transport networks that are under pressures as a result of the COVID-19 pandemic. The NSW State Government has recently indicated support for the installation of temporary or “pop-up” public spaces and bike lanes, with a number of projects currently being implemented across parts of metropolitan Sydney.

This report details options for “pop-up” walking and cycling projects in the North Sydney LGA. The options identified are those considered most likely to assist with transport network efficiency under social distancing requirements, be deliverable and cost effective, and align with Council’s long-term transport network planning.

As “pop-up” infrastructure is low cost, easy to install and removable, it also provides a unique opportunity to test facility types, usage and route alignments to inform the development of permanent infrastructure.

This report recommends that Council undertake advocacy and/or design development for temporary projects in the following locations:

- Miller Street footpath widening and placemaking.
- Pacific Highway temporary bike lane (advocacy/input to TfNSW).
- Middlemiss Street.

This report recommends that \$140,000 from the draft 2020/2021 North Sydney Cycling Strategy Priority items budget be allocated to the design and implementation of projects detailed in this report.

### **RECOMMENDATION:**

- 1. THAT** Staff engage with TfNSW regarding options for temporary footpath widening on Miller Street and temporary bike lanes on the Pacific Highway – west side from Blue Street to Herbert Street, St Leonards.
- 2. THAT** a concept design be prepared for a temporary shared zone/public art project in Middlemiss Street and that a further report be brought to Council once the concept design has been finalised.
- 3. THAT** \$140,000 from the 2020/2021 North Sydney Cycling Strategy Priority Items budget be allocated to the design and implementation of projects identified in this report.

A Motion was moved by Councillor Mutton and seconded by Councillor Gibson,

- 1. THAT** the matter be deferred for a Councillor Briefing.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 4 / 4\*

**For:** Councillor Gibson, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

*\*The voting being equal, the Mayor used her casting vote in favour of the Motion.*

## **82. RESOLVED:**

**1. THAT** the matter be deferred for a Councillor Briefing.

### **8.13. Draft Masterplan for the Public Domain Upgrade of Kirribilli Village Centre**

**AUTHOR:** Diana Mejia, Project Manager

This report seeks Council's endorsement for the public exhibition of the "*Draft' Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre*", so that the Masterplan and associated works can be finalised with broader community input (refer to the Community Engagement strategy attached to this report).

Council has engaged the professional consultancy services of Turf Design Studio to prepare this Masterplan for the proposed (next generation) Public Domain upgrade of this iconic harbourside centre.

A Councillor Briefing session on this project was held 15 June 2020.

Partial funding for this project is included in the Special Rate Variation (SRV) and Capital Works for the financial year 2021/2022.

The Masterplan will be used to inform forward planning for Council's Streetscape Upgrades in Kirribilli as well as well as future Capital Works budgets in Council's Delivery Program.

The Masterplan will also be used for future grant funding applications which will be required to deliver the projects that have been identified in the document.

#### **RECOMMENDATION:**

**1. THAT** the "*Draft' Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre*" be placed on public exhibition for 28 days.

**2. THAT** consultation with the Community on the '*Draft' Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre*' be undertaken in accordance with the attached Community Engagement Strategy.

**3. THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council for consideration at the end of the 28-day exhibition and consultation period.

A Motion was moved by Councillor Brodie and seconded by Councillor Baker,

**1. THAT** the "*Draft' Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre*" be placed on public exhibition for 60 days.

**2. THAT** consultation with the Community on the ‘Draft’ Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre” be undertaken in accordance with the attached Community Engagement Strategy.

**3. THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council for consideration at the end of the 60-day exhibition and consultation period.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

**83. RESOLVED:**

**1. THAT** the “‘Draft’ Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre” be placed on public exhibition for 60 days.

**2. THAT** consultation with the Community on the ‘Draft’ Masterplan for the Public Domain Upgrade of the Kirribilli Village Centre” be undertaken in accordance with the attached Community Engagement Strategy.

**3. THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council for consideration at the end of the 60-day exhibition and consultation period.

**8.14. Draft Masterplan for the Public Domain Upgrade of McMahons Point - Blues Point Road Village Centre**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Diana Mejia, Project Manager

This report seeks Council’s endorsement for the public exhibition of the “‘Draft’ Masterplan for the Public Domain upgrade of McMahons Point – Blues Point Road Village Centre,” so that the Masterplan and associated works can be finalised with broader community input. Refer to the Community Engagement strategy attached to this report.

Council has engaged the professional consultancy services of TRACT (Landscape and Urban Designers) to prepare this Masterplan for the proposed (next generation) Public Domain upgrade of this important Village Centre and retail strip in McMahons Point.

A Councillor Briefing session on this project was held 15 June 2020.

Partial funding for this project is included in the Special Rate Variation (SRV) and Capital Works for the financial year 2021/2022.

The Masterplan will be used to inform forward planning for Council’s Streetscape Upgrades in McMahons Point as well as well as future Capital Works Budgets in Council’s Delivery Program.

The Masterplan will also be used for future grant funding applications which will be required to deliver the projects that have been identified in the document.



**RECOMMENDATION:**

1. **THAT** the ‘Draft’ Masterplan for the Public Domain Upgrade of McMahons Point - Blues Point Road Village Centre be placed on public exhibition for 28 days.
2. **THAT** consultation with the Community on the ‘Draft’ Masterplan for the Public Domain Upgrade McMahons Point - Blues Point Road Village Centre be undertaken in accordance with the attached Community Engagement Strategy.
3. **THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council for consideration at the end of the 28-day exhibition and consultation period.

**84. RESOLVED:**

1. **THAT** the ‘Draft’ Masterplan for the Public Domain Upgrade of McMahons Point - Blues Point Road Village Centre be placed on public exhibition for 28 days.
2. **THAT** consultation with the Community on the ‘Draft’ Masterplan for the Public Domain Upgrade McMahons Point - Blues Point Road Village Centre be undertaken in accordance with the attached Community Engagement Strategy.
3. **THAT** a report on the outcomes of the Community Consultation be prepared and brought back to Council for consideration at the end of the 28-day exhibition and consultation period.

**8.15. Administration of Special Rates Crows Nest & Neutral Bay Business Areas and 5-Year Capital Works Delivery Program**

**AUTHOR:** Diana Mejia, Project Manager

This report is submitted to Council to seek endorsement for Crows Nest and Neutral Bay levy funded expenditure for the financial years 2020/21 and 2021/22.

The purpose of this report is to update Council about the status of the levy funded capital works projects of the adopted 5-year delivery program for Crows Nest and Neutral Bay and seek endorsement of the Crows Nest Mainstreet Committee and Neutral Bay Chamber of Commerce Operating budgets for 2020/21 and 2021/2022 as per the Council Resolution of 25 February 2019 (Min. No 3715).

In addition, this report is to update Council on the letter that was received on 15 June 2020 from the Directors of the Crows Nest Main Street Committee requesting changes and a deferral of this year’s Crows Nest Festival which was scheduled to take place on Sunday 18 October 2020.

The letter from Crows Nest Mainstreet, in summary stated the following:

*It has been decided that the Festival will not go ahead on Sunday 18th October 2020. This is because of the uncertainty of the current environment and the fact that it is impossible to predict what the guidelines will be at that time. Also, we feel that whatever the guidelines are, any type of social interaction will involve social distancing and this we feel will be impossible at an event like the Crows Nest Festival.*

*We are considering two options:*

- 1) *To hold the event in March and hope that the current measures will be relaxed by then – this will be a decision for late August.*
- 2) *To hold some kind of event on Sunday 18th October to celebrate Crows Nest and give the suburb a boost.*

*The Crows Nest Festival and recommended funding of \$73,000 will be split over two events.*  
A full copy of the letter has been provided to Councillors separately.

The capital works and operating expenditure for both the Crows Nest and Neutral Bay Mainstreet Levies are balanced against the forecast revenue to be received from the Levy's over the next 2 years. The operating budgets for both Crows Nest and Neutral Bay Main streets that are proposed to be drawn from the Levies are capped. Budgets for additional capital works to be undertaken in Crows Nest and Neutral Bay are identified in Council's current adopted delivery program.

**Note 1:** Council has entered into a funding deed agreement with Transport for NSW (TfNSW) in October 2018 to undertake significant Public Domain upgrading works along the Military Road corridor between Cremorne and Neutral Bay as part of the B-Line project. The money that has been agreed to be paid to Council as part of the funding deed agreement which is over \$10million excluding GST, has been used to partially and or fully fund the delivery all the projects identified in Table 2 attached to this report. A report on the details of the funding deed agreement between TfNSW and North Sydney Council was put to Council on 29 October 2018.

**Note 2:** There are no proposed increases to both operating budgets for Neutral Bay and Crows Nest for the next 2 financial years.

The cost of an annual independent audit report on levied funded expenditure for Crows Nest and Neutral Bay Business Areas is to be funded from the levy and would only require a minor variation to the current Audit tender.

**RECOMMENDATION:**

**1. THAT** Council endorse the levy funded Operating Budgets for 2020/21 and 2021/22 for Crows Nest Main Street Pty Ltd and the Neutral Bay Chamber of Commerce, with an annual budget of \$18,000 for each business centre over two financial years.

**2. THAT** Council fund the Crows Nest Fair to a maximum cost of \$73,000 ex. GST and endorse Crows Nest Mainstreet holding the following two (2) separate events as part of the Crows Nest Fair 2020:

- Sunday 18 October 2020 – Interactive/online event to stimulate local business and offer virtual entertainment to “give the suburb a boost”.
- To hold the Crows Nest Festival in March 2021 – subject to public gatherings restrictions being eased and formal confirmation by Crows Nest Mainstreet in August.

These two (2) separate events are proposed to adapt to current restrictions imposed by the Australian Government Department of Health and NSW Government to control COVID-19 and are capped at a cost of \$73,000 ex GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**3. THAT** for the 2020/21 Financial year the Crows Nest Mainstreet Committee submits two (2) separate grant applications for each of the above-mentioned events, the combined amount of both applications is capped at \$73,000 ex. GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**4. THAT** Crows Nest Main Street Pty Ltd continue to be required to make a grant application to Council to access funding for the Fair in future financial years.

**5. THAT** acquittal for the Crows Nest Fair Grant funding is to be provided from Crows Nest Main Street Pty Ltd to Council within six months of the completion of the two events to be held in 2020/21.

**6. THAT** the update projects listed in the Five-Year Capital Works Delivery Program is adopted.

A Motion was moved by Councillor Baker and seconded by Councillor Beregi,

**1. THAT** Council endorse the levy funded Operating Budgets for 2020/21 and 2021/22 for Crows Nest Main Street Pty Ltd and the Neutral Bay Chamber of Commerce, with an annual budget of \$18,000 for each business centre over two financial years.

**2. THAT** Council fund the Crows Nest Fair to a maximum cost of \$73,000 ex. GST and endorse Crows Nest Mainstreet holding the following two (2) separate events as part of the Crows Nest Fair 2020:

- Sunday 18 October 2020 – Interactive/online event to stimulate local business and offer virtual entertainment to “give the suburb a boost”.
- To hold the Crows Nest Festival in March 2021 – subject to public gatherings restrictions being eased and formal confirmation by Crows Nest Mainstreet in August.

These two (2) separate events are proposed to adapt to current restrictions imposed by the Australian Government Department of Health and NSW Government to control COVID-19 and are capped at a cost of \$73,000 ex GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**3. THAT** for the 2020/21 Financial year the Crows Nest Mainstreet Committee submits two (2) separate grant applications for each of the above-mentioned events, the combined amount of both applications is capped at \$73,000 ex. GST, including 50% of the cost of clean-up.

**4. THAT** Crows Nest Main Street Pty Ltd continue to be required to make a grant application to Council to access funding for the Fair in future financial years.

**5. THAT** acquittal for the Crows Nest Fair Grant funding is to be provided from Crows Nest Main Street Pty Ltd to Council within six months of the completion of the two events to be held in 2020/21.

**6. THAT** the update projects listed in the Five-Year Capital Works Delivery Program is adopted.

A question without notice was asked by Councillor Mutton, in respect to the specified purpose of the Mainstreet Levy.

The Manager Financial Services and the General Manager provided a general response and advised that, if more specific detail was required, the question would need to be taken on notice.

Councillor Mutton requested that his **Question be taken on Notice** and further detail provided.

The General Manager advised that the question would be taken on notice and a response provided to all Councillors.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2 / 6

**For:** Councillor Beregi, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Absent:** Councillor Carr and Councillor Gunning

The Recommendation was moved by Councillor Gibson and seconded by Councillor Barbour.

**1. THAT** Council endorse the levy funded Operating Budgets for 2020/21 and 2021/22 for Crows Nest Main Street Pty Ltd and the Neutral Bay Chamber of Commerce, with an annual budget of \$18,000 for each business centre over two financial years.

**2. THAT** Council fund the Crows Nest Fair to a maximum cost of \$73,000 ex. GST and endorse Crows Nest Mainstreet holding the following two (2) separate events as part of the Crows Nest Fair 2020:

- Sunday 18 October 2020 – Interactive/online event to stimulate local business and offer virtual entertainment to “give the suburb a boost”.
- To hold the Crows Nest Festival in March 2021 – subject to public gatherings restrictions being eased and formal confirmation by Crows Nest Mainstreet in August.

These two (2) separate events are proposed to adapt to current restrictions imposed by the Australian Government Department of Health and NSW Government to control COVID-19 and are capped at a cost of \$73,000 ex GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**3. THAT** for the 2020/21 Financial year the Crows Nest Mainstreet Committee submits two (2) separate grant applications for each of the above-mentioned events, the combined amount of both applications is capped at \$73,000 ex. GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**4. THAT** Crows Nest Main Street Pty Ltd continue to be required to make a grant application to Council to access funding for the Fair in future financial years.

**5. THAT** acquittal for the Crows Nest Fair Grant funding is to be provided from Crows Nest Main Street Pty Ltd to Council within six months of the completion of the two events to be held in 2020/21.

**6. THAT** the update projects listed in the Five-Year Capital Works Delivery Program is adopted.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

## **85. RESOLVED:**

**1. THAT** Council endorse the levy funded Operating Budgets for 2020/21 and 2021/22 for Crows Nest Main Street Pty Ltd and the Neutral Bay Chamber of Commerce, with an annual budget of \$18,000 for each business centre over two financial years.

**2. THAT** Council fund the Crows Nest Fair to a maximum cost of \$73,000 ex. GST and endorse Crows Nest Mainstreet holding the following two (2) separate events as part of the Crows Nest Fair 2020:

- Sunday 18 October 2020 – Interactive/online event to stimulate local business and offer virtual entertainment to “give the suburb a boost”.
- To hold the Crows Nest Festival in March 2021 – subject to public gatherings restrictions being eased and formal confirmation by Crows Nest Mainstreet in August.

These two (2) separate events are proposed to adapt to current restrictions imposed by the Australian Government Department of Health and NSW Government to control COVID-19 and are capped at a cost of \$73,000 ex GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**3. THAT** for the 2020/21 Financial year the Crows Nest Mainstreet Committee submits two (2) separate grant applications for each of the above-mentioned events, the combined amount

of both applications is capped at \$73,000 ex. GST, including 50% of the cost of clean-up, funded from the Mainstreet Levy.

**4. THAT** Crows Nest Main Street Pty Ltd continue to be required to make a grant application to Council to access funding for the Fair in future financial years.

**5. THAT** acquittal for the Crows Nest Fair Grant funding is to be provided from Crows Nest Main Street Pty Ltd to Council within six months of the completion of the two events to be held in 2020/21.

**6. THAT** the update projects listed in the Five-Year Capital Works Delivery Program is adopted.

## **8.16. Finalisation of the St Leonards/Crows Nest 2036 Plan and Metro Over Station Development Planning Proposal**

**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning

To update Council on the process and likely timeframes of the finalisation of the NSW Government's St Leonards/Crows Nest 2036 Plan and discuss implications.

Council has been in the process of methodically and consultatively preparing strategic plans to manage the growth and change of the St Leonards and Crows Nest precinct since 2011. This has resulted in the creation of a development framework that has been widely consulted and has been supported by a significant commitment to public benefit and supporting infrastructure being associated with the development of land.

Since 2016, the Department of Planning Industry and Environment created a "priority precinct" to take control of the planning process. This occurred on the basis of an agreement that worked towards a partnership approach between the councils and state agencies. Similarly, changes to the planning controls to facilitate an over station development (OSD) at Crows Nest Metro station, was pursued by Transport for NSW outside the broad precinct planning process through a site-specific Planning Proposal.

In April 2020, the Department announced the creation of the Planning Delivery Unit which amongst other objectives, states that it "will intervene in regionally significant development applications, priority projects including key planning proposals or precincts and planning amendments that have been identified as a priority and are being delayed due to critical unresolved issues". This will include the finalisation of the planning controls for the priority precinct. This is expected to occur shortly.

In addition to this, the Crows Nest OSD Planning Proposal lodged by Transport for NSW was announced as Tranche 4 of the NSW Government's "Fast Tracked" assessment process which also means that this will be finalised shortly.

There are many important issues relating to built form and height, land use, infrastructure provision and funding, that unfortunately, have not had the benefit of genuine collaboration between the NSW Government and Council, particularly over the last 18 months. The precinct is complex and in the context of these announcements, these processes would have benefitted enormously from Council's closer involvement prior to their finalisation.

This report calls for the closer collaboration between the NSW Government and Council, to finalise these plans.

There are financial issues associated with the State Infrastructure Contributions issues that remained unresolved prior to the announcement of the 2036 Plan being fast tracked to completion. These related mainly to the equity of financing across the Councils, the funding approach to the Hume Street Park upgrade and general funding of social infrastructure.

**RECOMMENDATION:**

1. **THAT** Council urgently write to the Minister for Planning highlighting the issues raised in this report.
2. **THAT** Council requests a series of meetings between the newly established Planning Delivery Unit to work through the various issues raised in Council's February 2019 submission.

A Motion was moved by Councillor Barbour and seconded by Councillor Drummond,

1. **THAT** Council urgently write to the Minister for Planning highlighting the issues raised in this report and seeking exemption from the State Infrastructure Contribution for the Crows Nest/St Leonards Planning Studies 1-3.
2. **THAT** Council requests a series of meetings between the newly established Planning Delivery Unit to work through the various issues raised in Council's February 2019 submission.
3. **THAT** Council urge the Minister to engage in true consultation and collaboration with Council and the community (including at a minimum further engagement with Wollstonecraft, Holtermann and Hayberry Precincts) before determining the Plan and Planning Proposal.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

**86. RESOLVED:**

1. **THAT** Council urgently write to the Minister for Planning highlighting the issues raised in this report and seeking exemption from the State Infrastructure Contribution for the Crows Nest/St Leonards Planning Studies 1-3.
2. **THAT** Council requests a series of meetings between the newly established Planning Delivery Unit to work through the various issues raised in Council's February 2019 submission.
3. **THAT** Council urge the Minister to engage in true consultation and collaboration with Council and the community (including at a minimum further engagement with Wollstonecraft, Holtermann and Hayberry Precincts) before determining the Plan and Planning Proposal.

**8.17. Planning Proposal No. 3/18 - 50-56 Atchison Street, St Leonards**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Nigel Riley, Strategic Planner

To advise Council on the Planning Proposal for 50-56 Atchison Street, St Leonards, including accompanying draft Voluntary Planning Agreement, and provide recommendations to proceed. On 6 April 2018, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 50-56 Atchison Street, St Leonards. The site is located within the St Leonards and Crows Nest 'Planning Precinct' established by the Department of Planning, Industry and Environment (DPIE) in July 2016. The Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 20m to 58.1m (RL147.1);
- increase the non-residential floor space ratio (FSR) control for the site from 0.6:1 to 1.7:1; and
- establish an overall maximum (FSR) control for the site of 6.4:1.

The indicative concept scheme accompanying the Planning Proposal seeks to provide a 16 storey mixed-use commercial and residential building which is consistent with Council's endorsed *St Leonards/Crows Nest Planning Study – Precincts 2 and 3* (Planning Study) and the DPIE's *draft St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan).

The Planning Proposal, as submitted, seeks to increase the maximum building height to RL 147.1, which could potentially result in a building greater than 16 storeys. The Planning Proposal should be amended to reflect a maximum height of 56m to ensure consistency with Council's Planning Study and the DPIE's draft 2036 Plan is ultimately achieved.

The North Sydney Local Planning Panel considered the Planning Proposal on 1 July 2020 (minutes attached) and endorses it to progress to a Gateway Determination, subject to the provision of a special clause for the height of the building to exclude the lift overrun for access to the communal rooftop.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) comprising monetary and in-kind contributions towards public community infrastructure in the precinct.

Having completed an assessment of the Planning Proposal and draft VPA against Council's Study and the DPIE's draft 2036 Plan and relevant Regional and District Plans, it is recommended that, subject to the above amendment to the maximum building height control and the addition of a special clause with the effect of achieving the NSLPP's recommendation, the Planning Proposal be supported to proceed to Gateway Determination.

To further investigate opportunities to reduce car reliance and ownership in favour of sustainable transport choices, it is recommended that a draft Green Travel Plan be prepared by the applicant prior to commencement of public exhibition of this Planning Proposal, addressing matters detailed in section 7.6.4 of this report.

The Planning Proposal and draft VPA should then be exhibited concurrently, so as to allow the community a full understanding of what is being proposed.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

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

#### **RECOMMENDATION:**

**1. THAT** the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in this report, specifically a maximum building height control of 56m, and that a special clause be included with the effect of clarifying that this control may be reasonably exceeded for those portions of the building designed to provide access to a communal rooftop.

**2. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the General Manager be provided with delegated authority to forward the Planning Proposal in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.

**3. THAT** the applicant be requested to prepare a draft Green Travel Plan prior to commencement of public exhibition.

**4. THAT** upon receipt of a Gateway Determination, the associated draft VPA be exhibited concurrently with the subject Planning Proposal.

**87. RESOLVED:**

**1. THAT** the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in this report, specifically a maximum building height control of 56m, and that a special clause be included with the effect of clarifying that this control may be reasonably exceeded for those portions of the building designed to provide access to a communal rooftop.

**2. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the General Manager be provided with delegated authority to forward the Planning Proposal in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.

**3. THAT** the applicant be requested to prepare a draft Green Travel Plan prior to commencement of public exhibition.

**4. THAT** upon receipt of a Gateway Determination, the associated draft VPA be exhibited concurrently with the subject Planning Proposal.

**8.18. Planning Proposal No. 6/19 and Draft Development Control Plan - 27-57 Falcon Street, Crows Nest**

**AUTHOR:** Jayden Perry, Strategic Planner

Assessment report for the Planning Proposal No. 6/19 and draft Development Control Plan relating to the site at 27-57 Falcon Street, Crows Nest.

Council received a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The site is located within the St Leonards and Crows Nest 'Planning Precinct' established by the Department of Planning, Industry and Environment (DPIE) in July 2016. 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 21m 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;
- Retain 'retail premises' as a permitted land use on the site; and
- Include a site-specific provision under Part 6 Division 2 of the LEP to allow minor exceedances to the Height of Building control to facilitate access to roof / lift overrun.

The indicative concept scheme accompanying the Planning Proposal seeks to provide a high density residential development comprising three (3) residential flat buildings between three and six storeys in height and two- three storey townhouses, retail premises are proposed at ground floor level at the corner of Falcon Street and Alexander Lane, landscaped communal open space and basement parking. The Planning Proposal is also supported by a draft DCP to help guide future detailed design and assessment at DA stage.



The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) comprising monetary and in-kind contributions towards open space infrastructure in the precinct and land dedication and embellishment works on Alexander Lane and Hayberry Lane frontages.

Having completed an assessment of the Planning Proposal and draft VPA against the DPIE's draft 2036 Plan and relevant Regional and District Plans, it is recommended that the Planning Proposal be supported to proceed to Gateway Determination.

Should Gateway Determination be issued, the Planning Proposal, draft DCP and draft VPA should then be exhibited concurrently, so as to allow the community a full appreciation of what is being proposed.

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- A monetary contribution of \$800,000 towards increased open space opportunities (e.g. Hume Street Park upgrade), payable to Council.
- Land dedication including embellishments to the value of \$330,000.

**RECOMMENDATION:**

**1. THAT** the Planning Proposal (Attachment 1) be amended to Council's satisfaction addressing the recommendations outlined in this report.

**2. THAT** the General Manager be authorised to negotiate the terms and detailed provisions of a Voluntary Planning Agreement consistent with the applicant's offer (Attachment 2) and as outlined in this report.

**3. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.

**4. THAT** upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft DCP.

**5. THAT** the site specific draft DCP (Attachment 3) be endorsed for the purpose of concurrent public exhibition.

A Motion was moved by Councillor Barbour and seconded by Councillor Drummond,

**1. THAT** the Planning Proposal (Attachment 1) be amended to Council's satisfaction addressing the recommendations outlined in this report.

**2. THAT** the General Manager be authorised to negotiate the terms and detailed provisions of a Voluntary Planning Agreement consistent with the applicant's offer (Attachment 2) and as outlined in this report.

**3. THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.

**4. THAT** upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft DCP.

**5. THAT** a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

**88. RESOLVED:**

1. **THAT** the Planning Proposal (Attachment 1) be amended to Council's satisfaction addressing the recommendations outlined in this report.
2. **THAT** the General Manager be authorised to negotiate the terms and detailed provisions of a Voluntary Planning Agreement consistent with the applicant's offer (Attachment 2) and as outlined in this report.
3. **THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation 1, the Planning Proposal be forwarded in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.
4. **THAT** upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft DCP.
5. **THAT** a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.

**8.19. Planning Proposal No. 1/20 - 41 McLaren Street, North Sydney**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Planning Ingenuity (Independent Planning Consultant)

This report outlines the independent assessment report commissioned for Planning Proposal PP 1/20, 41 McLaren Street, North Sydney and the subsequent recommendations of the North Sydney Local Planning Panel after its consideration of the matter.

On 13 February 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 41 McLaren Street, North Sydney. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Increase the maximum height of building from RL 100 to RL 226 (representing a maximum building height of approximately 160m and 47 storeys) and
- Increase the minimum non-residential floor space ratio from 0.5:1 to 3:1.

The proposal also includes an offer by the proponent to enter into a voluntary planning agreement to provide a monetary contribution of \$4.75 million to be paid to Council which could be used for the provision of affordable housing or works in kind.

Due to North Sydney Council owning a parcel of land within the Ward Street Precinct in which the site is located, Council has engaged an independent consultant, Planning Ingenuity, to undertake an assessment of the Planning Proposal to avoid any perceived conflicts of interest. Planning Ingenuity's assessment report recommended that the Planning Proposal should not be supported to proceed to Gateway Determination.

The North Sydney Local Planning Panel (NSLPP) considered the assessment report prepared by Planning Ingenuity at its meeting on 1 July 2020 and recommended that the Proposal not be supported to progress to Gateway Determination. The NSLPP generally agreed with the reasons for not supporting the Planning Proposal outlined in the assessment report. The fundamental reason the Panel does not support the Planning Proposal is that it will result in unacceptable solar impacts on the proposed public open space contained in the Ward Street Masterplan area.

Due to Council not having made a determination within 90 days of lodgment of the Planning Proposal, the applicant lodged a Rezoning Review with the Department of Planning, Infrastructure and Environment on 29 May 2020. At the time of writing this report, a date had not yet been determined for the Sydney Planning Panel hearing of such review.

It is recommended that Council adopt NSLPP's recommendation that the Planning Proposal not proceed to Gateway Determination.

Nil.

**RECOMMENDATION:**

- 1. THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination consistent with the independent assessment of the proposal and the North Sydney Local Planning Panel's recommendation.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.
- 3. THAT** Council advise the Department of Planning, Industry and Environment of its decision and that it be provided with a copy of this report and its resolution in support of Council's position.

**89. RESOLVED:**

- 1. THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination consistent with the independent assessment of the proposal and the North Sydney Local Planning Panel's recommendation.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.
- 3. THAT** Council advise the Department of Planning, Industry and Environment of its decision and that it be provided with a copy of this report and its resolution in support of Council's position.

## **8.20. North Sydney Olympic Pool Operations**

**AUTHOR:** Robert Emerson, Director Open Space & Environmental Services

This report provides the detail for Council on the usage of the outdoor pool since the easing of the COVID-19 restrictions in June 2020.

The reopening of the pool under NSW Government restrictions has been a challenging period for pool management, whilst the operation is being implemented on the minimum staffing requirements to reduce the operations expenditure whilst maintaining appropriate safety standards, the initial restrictions of one swimmer per lane in the outdoor pool only and a maximum of 10 people in the facility was never going to result in a financially sustainable position for Council.

With the further easing of restrictions Council has increased the facility's availability to the community through increasing the numbers of lap swimmers to three per lane in the 50-metre outdoor pool. In the previous report to Council on 22 June it was resolved that Council monitor

take-up of the threefold increase in lap swimming capacity together with further easing of restrictions prior to considering opening the indoor pool.

The restriction of three swimmers per lane has resulted in the pool operation receiving additional revenue (on average \$14,083 per week), however the pool continues to trade at an operating loss, in the order of \$5,808 per week.

**RECOMMENDATION:**

- 1. THAT** the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.
- 2. THAT** Council continue to monitor the take-up of the additional lap swimming capacity in the outdoor pool together with any further easing of restrictions before giving further consideration to reopening the indoor pool.

A Motion was moved by Councillor Beregi and seconded by Councillor Baker,

- 1. THAT** the 25-metre pool be immediately reopened in accordance with Government Guidelines.
- 2. THAT** aqua aerobics classes, learn to swim, swimming lessons, junior squads and all other aquatic activities recommence immediately in line with Government Guidelines.
- 3. THAT** the opening hours of the North Sydney Olympic Pool complex return to the standard opening hours for the North Sydney Olympic Pool complex pre-COVID-19 restrictions.
- 4. THAT** all other operations of the North Sydney Olympic Pool complex return to pre-COVID-19 operations, including allowing the use of swim passes and the re-opening of the Lane 9 Gym as soon as possible and in line with Government Guidelines where applicable.

The Mayor ruled the Motion out of order at this stage of the Agenda, noting that it was contrary to Council's resolution of 22 June 2020 and listed for consideration on this Agenda with the Rescission Motion at Item 9.1.

A Motion was moved by Councillor Drummond and seconded by Councillor Brodie,

- 1. THAT** the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

**90. RESOLVED:**

- 1. THAT** the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.

## 8.21. Community Housing Project and Funds: New Generation Boarding House

**AUTHOR:** Rebecca Aukim, Acting Director Community and Library Services

Increase and modernise Council's affordable Housing offering utilising available development contributions restricted for this specific purpose.

In September 2019 Council considered a report on the then current affordable housing need in North Sydney and based on this, the best use of the remaining funds in the affordable housing reserve, which have been accumulated from developer levies. The amount identified as available is \$4,381,105. This amount is fixed and cannot be increased due to the 2009 Ministerial Directive which transfers to the State Government any amounts levied from date. It is important the reserve be expended before the reserve too is called in by the State Government.

Link Housing, Council's Approved Provider, has a proposal to demolish a jointly owned 5-bedroom boarding house and construct on-site 11 modern self-contained studio apartments with specialist disability accommodation. Link currently owns 86.26% of the property with Council owning the remainder. The proposal has been advanced to DA stage and Link Housing lodged a pre-DA#2 submission in June 2020. Link Housing received feedback from Council's planning staff and have subsequently revised the project design as well as project costs.

Following a meeting with Link Housing on 11 June 2020 Council commissioned an independent valuation of the property. This assessed the market value of the land at \$1,850,000, a lesser amount than proposed by Link which was based on a valuation in February 2019.

Link Housing has accepted the lower valuation. Based on this Council would need to invest \$689,344 to reach a 51% ownership position.

For 11 new studio apartments, the estimated construction delivery cost is currently projected to be \$3,031,333. Council would need to invest a further \$1,545,980 to complete the development.

Council's total contribution towards the project to achieve a 51% majority share to be capped at a maximum contribution of \$2,235,324. The balance in the Affordable Housing Reserve would be \$2,145,781.

Link's correspondence 5 May 2020 proposes exploring tri-partite funding (Link, Council and the NSW State Government) to make more effective use of these funds, for example in providing housing for women escaping domestic violence.

### **RECOMMENDATION:**

- 1. THAT** Council enter into an Agreement with Link Housing for Council to acquire a majority share of the property referred to in this report – 287 Miller Street, Cammeray.
- 2. THAT** Council make a monetary contribution equivalent to its ownership share from the Affordable Housing reserve for the establishment of the new Generation Boarding house -11 new studio apartments referred to in this report.
- 3. THAT** the General Manager (or Delegate) be authorised to finalise the contribution and equity share, subject to the constraints above, to ensure that Council obtains fair value for its contribution.
- 4. THAT** the property continues to be managed as part of the *North Sydney Council Local Housing Program Property Management Agreement, 31 October 2018*.

A Motion was moved by Councillor Mutton and seconded by Councillor Barbour,

- 1. THAT** this matter be deferred for a Councillor Briefing to be scheduled as soon as practicable.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

**91. RESOLVED:**

**1. THAT** this matter be deferred for a Councillor Briefing to be scheduled as soon as practicable.

## **8.22. Best Practice Guidelines for Above Ground Child Care Centre**

*This Item was adopted By Exception (see page 5).*

**AUTHOR:** Helen Campbell, Manager Community Development

To provide Council with the information necessary to ensure development applications for above ground childcare centres are assessed according to best practice.

To develop recommendations to support developers' and childcare providers at the design and Development Application stage to employ best practice and minimise risk to children and families when situating childcare centres above the ground.

The increased frequency in childcare centres being located above ground level in North Sydney Council's various CBDs prompted a review of design and safety provisions required in these circumstances.

KU Children's Services were engaged to prepare a report examining Council's position on above ground floor childcare centres and make recommendations for improvement to reflect best practice standards in the sector. These guidelines serve to enhance and strengthen Council's position when considering future development applications for centres above ground.

The KU Report has explored the foreseeable challenges in offering above ground floor childcare facilities. In many cases challenges can be overcome through thoughtful and considered design. A range of recommendations are contained in the report to ensure that there is minimal risk to children, families and the local community and that the highest standard of care and environment for children is promoted and maintained.

There are no significant financial implications for Council as a result of the introduction of best practice guidelines for above ground childcare centres.

**RECOMMENDATION:**

**1. THAT,** at the Pre-Development Application stage, developers are provided with a copy of the guidelines for above ground childcare centres and a plain English brochure outlining a summary of the contents of this report.

## **92. RESOLVED:**

**1. THAT**, at the Pre-Development Application stage, developers are provided with a copy of the guidelines for above ground childcare centres and a plain English brochure outlining a summary of the contents of this report.

### **8.23. Naming Right of Way after Faith Bandler**

**AUTHOR:** Ian Hoskins, Council Historian

This report responds to a resident's request to name the currently un-named right of way in the North Sydney CBD after Ted Mack and presents the case for naming the public way after Faith Bandler - South Sea Islander and Aboriginal rights activist and former North Sydney resident. Requests for naming places and thoroughfares are occasionally received from the public. Just such a request has been forwarded to Council by a resident of Miller Street for naming the currently un-named right of way behind their apartment building, 'Mack Lane', in honour of the former Mayor of North Sydney Ted Mack. He was recently commemorated by the re-naming of Ted Mack Civic Park.

Formerly private land, the right of way in question is an important access point into the planned Ward Street Precinct. Its naming therefore presents a significant opportunity to recognise a person or place previously unacknowledged by such a gesture.

Faith Bandler AC lived nearby on the Pacific Highway from 1952 until 1957. During that time, she and Pearl Gibbs discussed the formation of the Aboriginal-Australian Fellowship. The Fellowship was established in 1956 and became an affiliate of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders which led the campaign for 1967 Referendum on Constitutional change affecting Aboriginal people in which Bandler also played a major role.

The financial implications are minor.

#### **RECOMMENDATION:**

**1. THAT** the un-named public right of way running from McLaren Street to the central square of the proposed Ward Street Precinct be named Faith Bandler Place.

The Recommendation was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

## **93. RESOLVED:**

**1. THAT** the un-named public right of way running from McLaren Street to the central square of the proposed Ward Street Precinct be named Faith Bandler Place.

## 9. Notices of Motion

### 9.1. Notice of Rescission No. 2/20 by Councillors Beregi, Baker and Carr - North Sydney Olympic Pool Operations (Item 9.18, 22 June 2020)

1. **THAT** the Council resolution relating to Item 9.18 passed at the meeting of the Council held on 22 June 2020:

1. *THAT the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.*
2. *THAT Council acknowledge that capacity for the number of public lap swimmers in the outdoor 50 metre pool has been increased, based on NSW Government restrictions and the development of an amended and appropriate COVID-19 Plan for North Sydney Olympic Pool.*
3. *THAT Council monitor the take-up of the additional lap swimming capacity in the outdoor pool together with further easing of restrictions before giving further consideration to reopening the indoor pool.*

be and is hereby rescinded.

**THAT** the following resolution be passed in lieu thereof:

1. **THAT** the 25 metre pool at North Sydney Olympic Pool be immediately re-opened in accordance with Government guidelines.
2. **THAT** aqua aerobics classes, learn to swim, swimming lessons, junior squads and all other aquatic activities recommence immediately in line with Government guidelines.
3. **THAT** the opening hours of the North Sydney Olympic Pool complex return to the standard opening hours for the North Sydney Olympic Pool complex, pre-COVID-19 restrictions.
4. **THAT** all other operations of the North Sydney Olympic Pool complex return to pre-COVID-19 operations, including allowing the use of swim passes and the re-opening of the Lane 9 gym as soon as possible and in line with Government guidelines where applicable.

The Rescission Motion was moved by Councillor Beregi and seconded by Councillor Baker.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 5

**For:** Councillor Beregi, Councillor Keen, Councillor Baker

**Against:** Councillor Gibson, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Absent:** Councillor Carr and Councillor Gunning



**9.2. Notice of Rescission No. 3/20 by Crs Gibson, Barbour and Drummond - Notice of Motion No. 5/20 - Crs Baker, Beregi and Carr - Open Government and Public Participation Under COVID-19 Pandemic Arrangements(Item 10.1, 22 June 2020)**

**1. THAT** the Council resolution relating to Item 10.1 passed at the meeting of the Council held on 22 June 2020:

*1. THAT consistent with Council's adopted Code of Meeting Practice, the following arrangements be immediately facilitated for all Council meetings held remotely:*

- A. all Council meetings to be live streamed/vodcast; and*
- B. reinstate the public forum prior to all Council meetings with appropriate arrangements for remote participation/registration for residents to address Council to be put in place.*

be and is hereby rescinded.

The Rescission Motion was moved by Councillor Gibson and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 4 / 4\*

**For:** Councillor Gibson, Councillor Brodie, Councillor Barbour, Councillor Drummond

**Against:** Councillor Beregi, Councillor Keen, Councillor Mutton, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

*\*The voting being equal, the Mayor used her casting vote in favour of the Motion.*

A Motion was moved by Councillor Gibson and seconded by Councillor Drummond,

**1. THAT** modified Public Presentations (Public Forums) be recommenced prior to all Ordinary and Extraordinary Council meetings.

**2. THAT** the modified format should include:

A. Enabling registered speakers to attend Council Chambers to present to Councillors present and those participating remotely.

B. Enabling the Public Forum to be streamed in accordance with s423 of the Local Government (General) Regulations to enable public viewing.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

**94. RESOLVED:**

**1. THAT** modified Public Presentations (Public Forums) be recommenced prior to all Ordinary and Extraordinary Council meetings.

**2. THAT** the modified format should include:

A. Enabling registered speakers to attend Council Chambers to present to Councillors present and those participating remotely.

B. Enabling the Public Forum to be streamed in accordance with s423 of the Local Government (General) Regulations to enable public viewing.

**9.3. Notice of Motion No. 11/20 - Cr Baker - Upgrade Works to Wollstonecraft Station**

**1. THAT** Council urgently write to the Minister for Transport seeking that Transport for NSW seeking:

(a) Halt and review the commencement of the proposed upgrade works on Wollstonecraft Station under the Determination Report dated July 2020; and

(b) Amend the terms of the determination dated 20 July 2020 to address the issues raised in submissions from Council and the community including loss of trees, the visual impact (of the lifts and screens), impacts of the proposed works on heritage issues, loss of on-street parking spaces and impacts on Council's road assets.

**2. THAT** the letter be copied to the local State and Federal Members seeking their support for this course of action.

The Motion was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

**For:** Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Carr and Councillor Gunning

**95. RESOLVED:**

**1. THAT** Council urgently write to the Minister for Transport seeking that Transport for NSW seeking:

(a) Halt and review the commencement of the proposed upgrade works on Wollstonecraft Station under the Determination Report dated July 2020; and

(b) Amend the terms of the determination dated 20 July 2020 to address the issues raised in submissions from Council and the community including loss of trees, the visual impact (of the lifts and screens), impacts of the proposed works on heritage issues, loss of on-street parking spaces and impacts on Council's road assets.

**2. THAT** the letter be copied to the local State and Federal Members seeking their support for this course of action.

#### **9.4. Notice of Motion No. 12/20 - Cr Baker - State Heritage Listing for MLC Building, 105-153 Miller Street, North Sydney**

**1. THAT** Council write to the Minister and Heritage NSW seeking urgent action to list the MLC Building on the State Heritage Register.

The Motion was moved by Councillor Baker and seconded by Councillor Beregi.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 5

**For:** Councillor Beregi, Councillor Brodie, Councillor Baker

**Against:** Councillor Gibson, Councillor Keen, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Absent:** Councillor Carr and Councillor Gunning

A Motion was moved by Councillor Drummond and seconded by Councillor Barbour,

**1. THAT** a Councillor Briefing and site visit be held in relation to this matter.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

**Against:** Councillor Beregi, Councillor Baker

**Absent:** Councillor Carr and Councillor Gunning

#### **96. RESOLVED:**

**1. THAT** a Councillor Briefing and site visit be held in relation to this matter.

#### **10. Closure**

The Meeting concluded at 9:29pm.